

**MINUTES OF THE CITY-COUNTY COUNCIL  
AND  
SPECIAL SERVICE DISTRICT COUNCILS  
OF  
INDIANAPOLIS, MARION COUNTY, INDIANA**

**REGULAR MEETINGS  
MONDAY, OCTOBER 25, 2004**

The City-County Council of Indianapolis, Marion County, Indiana and the Indianapolis Police Special Service District Council, Indianapolis Fire Special Service District Council and Indianapolis Solid Waste Collection Special Service District Council convened in regular concurrent sessions in the Council Chamber of the City-County Building at 7:09 p.m. on Monday, October 25, 2004, with President Boyd presiding.

Councillor Randolph led the opening prayer and invited all present to join him in the Pledge of Allegiance to the Flag.

**ROLL CALL**

President Boyd instructed the Clerk to take the roll call and requested members to register their presence on the voting machine. The roll call was as follows:

*28 PRESENT: Abdullah, Borst, Bowes, Boyd, Bradford, Brown, Cain, Cockrum, Conley, Day, Franklin, Gibson, Gray, Keller, Langsford, Mahern, McWhirter, Moriarty Adams, Nytes, Oliver, Pfisterer, Plowman, Randolph, Salisbury, Sanders, Schneider, Speedy, Talley*  
*1 ABSENT: Mansfield*

A quorum of twenty-eight members being present, the President called the meeting to order.

**INTRODUCTION OF GUESTS AND VISITORS**

Councillor Abdullah recognized Reverend Richard Chambers. Councillor Langsford introduced Warren Township Assessor Bill Birkle. Councillor Talley recognized friend and neighborhood activist Burton Pettigrove.

**OFFICIAL COMMUNICATIONS**

The President called for the reading of Official Communications. The Clerk read the following:

TO ALL MEMBERS OF THE CITY-COUNTY COUNCIL AND POLICE, FIRE AND SOLID WASTE  
COLLECTION SPECIAL SERVICE DISTRICT COUNCILS OF THE CITY OF INDIANAPOLIS AND  
MARION COUNTY, INDIANA

*Journal of the City-County Council*

Ladies And Gentlemen :

You are hereby notified the REGULAR MEETINGS of the City-County Council and Police, Fire and Solid Waste Collection Special Service District Councils will be held in the City-County Building, in the Council Chambers, on Monday, October 25, 2004, at 7:00 p.m., the purpose of such MEETINGS being to conduct any and all business that may properly come before regular meetings of the Councils.

Respectfully,  
s/Rozelle Boyd  
President, City-County Council

October 6, 2004

TO PRESIDENT BOYD AND MEMBERS OF THE CITY-COUNTY COUNCIL AND POLICE, FIRE AND SOLID WASTE COLLECTION SPECIAL SERVICE DISTRICT COUNCILS OF THE CITY OF INDIANAPOLIS AND MARION COUNTY, INDIANA:

Ladies and Gentlemen:

Pursuant to the laws of the State of Indiana, I caused to be published in the *Court & Commercial Record* and in the *Indianapolis Star* on Friday, October 8, 2004, a copy of a Notice of Public Hearing on Proposal Nos. 570-573, 578, 581, 584, and 586-589, 2004, said hearing to be held on Monday, October 25, 2004, at 7:00 p.m. in the City-County Building.

Respectfully,  
s/Jean Ann Milharcic  
Clerk of the City-County Council

October 12, 2004

TO PRESIDENT BOYD AND MEMBERS OF THE CITY-COUNTY COUNCIL AND POLICE, FIRE AND SOLID WASTE COLLECTION SPECIAL SERVICE DISTRICT COUNCILS OF THE CITY OF INDIANAPOLIS AND MARION COUNTY, INDIANA:

Ladies and Gentlemen:

I have approved with my signature and delivered this day to the Clerk of the City-County Council, Jean Ann Milharcic, the following ordinances and resolutions:

FISCAL ORDINANCE NO. 155, 2004 - approves an increase of \$20,044 in the 2004 Budget of the Marion County Justice Agency (State and Federal Grants Fund) for the partial salaries and fringes of five (5) employees for Pathway to Recovery, funded by a grant from New Path for Victims

FISCAL ORDINANCE NO. 156, 2004 - approves an increase of \$24,028 in the 2004 Budget of the Marion County Justice Agency (State and Federal Grants Fund) for the salaries of two employees, funded by a grant from the Julian Center's Family Growth and Development Project

FISCAL ORDINANCE NO. 157, 2004 - approves an increase of \$2,050,000 in the 2004 Budget of the Department of Administration, Indianapolis Fleet Services Division, (Consolidated County Fund) to cover anticipated costs for motor fuels through the end of 2004, financed by fund balance

GENERAL ORDINANCE NO. 96, 2004 - authorizes a taxi zone on Broad Ripple Avenue near Carrollton Avenue (District 3)

GENERAL ORDINANCE NO. 97, 2004 - amends the Code with regards to general provisions for animals, including animals at large, confinement of dangerous animals, vaccinations, impoundment and disposition of animals

GENERAL ORDINANCE NO. 98, 2004 - authorizes intersection controls for the Wetherburn subdivision (District 2)

GENERAL ORDINANCE NO. 99, 2004 - authorizes a multi-way stop at the intersection of St. Paul Street and Woodlawn Avenue (District 16)

GENERAL ORDINANCE NO. 100, 2004 - authorizes a multi-way stop at the intersection of 34th Street and Guilford Avenue (District 9)

GENERAL ORDINANCE NO. 101, 2004 - authorizes intersection controls for Southwinds Court at Murphy's Landing, Sections 1 and 2 (District 22)

GENERAL ORDINANCE NO. 102, 2004 - authorizes intersection controls for Eagle Trace Village, Sections 1A, 1B, 2 and 3 (District 7)

GENERAL ORDINANCE NO. 103, 2004 - authorizes intersection controls for Salem Creek, Section 1 (District 13)

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GENERAL ORDINANCE NO. 104, 2004 - authorizes intersection controls for Salem Creek, Sections 2, 3 and 4 (District 13)

GENERAL ORDINANCE NO. 105, 2004 - authorizes intersection controls for Burton Crossing, Sections 1 and 2 (District 25)

GENERAL ORDINANCE NO. 106, 2004 - authorizes intersection controls for Chapelwood Creek (District 13)

GENERAL ORDINANCE NO. 107, 2004 - authorizes intersection controls for Cossell Road and Holt Road (District 14)

GENERAL ORDINANCE NO. 108, 2004 - authorizes intersection controls for Independence Square and Victory Drive (District 25)

GENERAL ORDINANCE NO. 109, 2004 - authorizes a change in parking meters and a bus stop zone on Ohio Street near Illinois Street (District 15)

GENERAL ORDINANCE NO. 110, 2004 - authorizes a multi-way stop at the intersection of 49th Street and Graceland Avenue (District 8)

SPECIAL RESOLUTION NO. 37, 2004 - recognizes the 150th Anniversary of the YMCA of Greater Indianapolis

SPECIAL RESOLUTION NO. 38, 2004 - recognizes AES Corporation's generous donation to the Indianapolis Parks Foundation, helping in the cause to increase parkland on the southeast side of Indianapolis

SPECIAL RESOLUTION NO. 39, 2004 - honors Purdue University's Gene Keady

SPECIAL RESOLUTION NO. 40, 2004 - recognizes the First Annual OASIS 5K Wellness Walk on Saturday, October 23, 2004

SPECIAL RESOLUTION NO. 41, 2004 - recognizes Cathy Gilbert and Tim Moore for their efforts to increase fire safety in the Indianapolis community

SPECIAL RESOLUTION NO. 42, 2004 - recognizes the Home Craftsmen Forum

SPECIAL RESOLUTION NO. 43, 2004 - recognizes the 13th Annual Heartland Film Festival, October 21-29, 2004

SPECIAL RESOLUTION NO. 44, 2004 - recognizes the establishment of the Indianapolis chapter of the OK Program

SPECIAL RESOLUTION NO. 45, 2004 - recognizes the service of Rebecca Childers on the Indianapolis Police Citizen's Complaint Board

SPECIAL RESOLUTION NO. 46, 2004 - recognizes the accomplishments of the Mt. Olive Missionary Baptist Church Brotherhood

SPECIAL RESOLUTION NO. 47, 2004 - approves a public purpose grant to purchase equipment to be used by Indiana University, in cooperation with the Educational Television Cooperative (ETC), on the educational access cable channels

SPECIAL RESOLUTION NO. 48, 2004 - approves a public purpose grant to Indiana Reading and Information Service (IRIS) to provide radio reading programs for the blind and print-disabled in Marion County

SPECIAL RESOLUTION NO. 49, 2004 - approves a public purpose grant (Cable Communications Agency) to Indiana University in the amount of \$50,000 for the purpose of financing educational access programming

SPECIAL RESOLUTION NO. 50, 2004 - determines the need to lease approximately 5,400 square feet of office space at 5751-5827 West 73rd Street for the use of the Marion County Sheriff's Department

SPECIAL RESOLUTION NO. 51, 2004 - approves a public purpose grant to Noble of Indiana in the amount of \$1,318,856 for the purpose of helping to fund Noble of Indiana for the last quarter of 2004 and for all of 2005

Respectfully,  
s/Bart Peterson, Mayor

President Boyd recognized Ellen Annala, United Way of Central Indiana, who gave a brief presentation regarding the United Way and their accomplishments and goals. She stated that the United Way is half-way through the campaign and lagging behind in their goal for donations to help with the holiday season. She encouraged Councillors and the public to continue supporting the United Way with both funds and volunteerism, and stated that the United Way hopes to continue to be a source of information about the human need of the community. President Boyd encouraged Councillors to support the United Way in any way they can.

### **ADOPTION OF THE AGENDA**

The President proposed the adoption of the agenda as distributed.

Councillor Moriarty Adams made the following motion:

I move that Proposal No. 633, 2004, which is slated for introduction at this meeting and approves an increase of \$76,594 in the 2004 budget of the Marion County Sheriff (Deferral Program Fee Fund) to assign 3 Building Deputies, armed and uniformed, to provide security service for the courts, be withdrawn at this time.

Councillor Talley seconded the motion, and Proposal No. 633, 2004 was withdrawn by a unanimous voice vote.

Without further objection, the agenda was adopted as amended.

### **APPROVAL OF THE JOURNAL**

The President called for additions or corrections to the Journal of October 4, 2004. There being no additions or corrections, the minutes were approved as distributed.

### **PRESENTATION OF PETITIONS, MEMORIALS, SPECIAL RESOLUTIONS, AND COUNCIL RESOLUTIONS**

PROPOSAL NO. 642, 2004. The proposal, sponsored by All Councillors, recognizes fallen Butler University police officer James L. Davis. Councillor Moriarty Adams read the proposal and presented family members with copies of the document and Council pins. Wife Velea Davis thanked the Council for honoring her husband in this way. President Boyd said that the Council supports and has tremendous respect for what Mr. Davis and all other public safety personnel do on a daily basis. Councillor Moriarty Adams moved, seconded by Councillor Talley, for adoption. Proposal No. 642, 2004 was adopted by a unanimous voice vote.

Proposal No. 642, 2004 was retitled SPECIAL RESOLUTION NO. 52, 2004, and reads as follows:

#### **CITY-COUNTY SPECIAL RESOLUTION NO. 52, 2004**

A SPECIAL RESOLUTION recognizing fallen Butler University police officer James L. Davis.

WHEREAS, on September 24, 2004, James L. Davis, an officer with the 16-member Butler University police force, was escorting an individual from Hinkle Fieldhouse when a struggle erupted, which resulted in Officer Davis' death by a gunshot wound to the head; and

WHEREAS, Officer Davis, known as "J.J." to friends and family, was known as a man grounded in faith, family and a commitment to helping others; and

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WHEREAS, Davis, who had two degrees from Indiana University in criminal justice and Afro-American studies, was only two months from completing his post-graduate master's degree, and was intent on becoming a civil rights lawyer and opening up a charity foundation to honor his late mother; and

WHEREAS, known as a great motivator, Officer Davis volunteered countless hours as a parent volunteer at his children's schools, a youth soccer coach, a security officer for Mt. Carmel Baptist Church youth programs, and a mentor in the Project Impact program, which helps juvenile offenders turn their lives around; and

WHEREAS, Officer James L. Davis, a former military police officer in the Army, was remembered at his two-hour funeral service as a "dedicated family man who believed in education, the goodness of others, and the glory of God; now, therefore:

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The Indianapolis City-County Council recognizes the ultimate sacrifice made by Butler University police officer James L. Davis.

SECTION 2. The Council extends its deepest sympathies to Officer Davis' wife Velea; their three children Josiah, Jarren and Jaedyn; and countless other family and friends, as well as the many Butler University staff and students whose lives he greatly touched.

SECTION 3. The Mayor is invited to join in this resolution by affixing his signature hereto.

SECTION 4. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 643, 2004. The proposal, sponsored by Councillors Abdullah, Borst, Boyd, Cain, Day, Franklin, Gibson, Gray, Keller, Langsford, Mahern, Mansfield, McWhirter, Nytes, Pfisterer, Plowman, Randolph, Salisbury, Sanders and Talley, recognizes Bobby Green, Jr. and Travis Curd for their heroic efforts in halting a domestic stabbing incident. Councillor Abdullah read the proposal and stated that it will be presented to the recipients at a later date. He moved, seconded by Councillor Gibson, for adoption. Proposal No. 643, 2004 was adopted by a unanimous voice vote.

Proposal No. 643, 2004 was retitled SPECIAL RESOLUTION NO. 53, 2004, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 53, 2004

A SPECIAL RESOLUTION recognizing Bobby Green, Jr. and Travis Curd for their heroic efforts in halting a domestic stabbing incident.

WHEREAS, at approximately 4:00 p.m. on Thursday, September 16, 2004, Bobby Green, Jr., and his friend Travis Curd, both 16 years old, heard a woman screaming in the Haughville neighborhood and went to investigate; and

WHEREAS, upon arriving, Green and Curd found a man sitting on top of his wife with a knife in his hand, with several onlookers a few feet away; and

WHEREAS, the teens came closer and asked the man what he was doing and then began urging him not to kill his wife when they saw that she had been stabbed; and

WHEREAS, seeming to finally realize what he was doing as a result of Green and Curd's questioning and pleading, the man got up and walked calmly into a nearby alley, where he was later apprehended by police; and

WHEREAS, the teens immediately called 911 after checking on victim Shanell Jones, a Marion County Sheriff's Department Special Deputy, to make sure she was okay; and

WHEREAS, Green and Curd, who are involved in the Christamore House teen programs, are credited with saving Ms. Jones from further injury and possible death; and

WHEREAS, the teens were given awards by the U.S. Department of Justice, the Indiana House of Representatives, and the Marion County Prosecutor's Office; as well as college scholarships, laptop computers, and a trip to Washington, D.C. to meet with Attorney General John Ashcroft; now, therefore:

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The Indianapolis City-County Council recognizes the heroic efforts of Bobby Green, Jr. and Travis Curd by helping to end the attack on Deputy Jones' life.

SECTION 2. The Council extends its appreciation and gratitude to both teens, wishes them success in future endeavors, and encourages all citizens to have the same kind of courage that helps to make Indianapolis a safer place to live.

SECTION 3. The Mayor is invited to join in this resolution by affixing his signature hereto.

SECTION 4. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 644, 2004. The proposal, sponsored by Councillor Boyd, recognizes ThreeSisterCities.com for winning the Innovation Award for Economic Development from Sister Cities International. Councillor Sanders read the proposal and presented representatives with copies of the document and Council pins. Sven Schumacher, Sister City Committee, and Charlie McDonald, Trade and Tourism Committee, thanked the Council for the recognition. Councillor Sanders moved, seconded by Councillor Nytes, for adoption. Proposal No. 644, 2004 was adopted by a unanimous voice vote.

Proposal No. 644, 2004 was retitled SPECIAL RESOLUTION NO. 54, 2004, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 54, 2004

A SPECIAL RESOLUTION recognizing ThreeSisterCities.com for winning the Innovation Award for Economic Development from Sister Cities International.

WHEREAS, the Indianapolis-Cologne Sister City Committee initiated a tri-city partnership in 2002 with Louisville, Kentucky and Cincinnati, Ohio and their German city counterparts, Mainz and Munich; and

WHEREAS, the goal of this partnership was to develop a trade and tourism coalition to work together and develop successful economic development projects; and

WHEREAS, Sister Cities International strives to promote peace through mutual respect, understanding and cooperation, and its annual awards competition recognizes outstanding programs that foster international cooperation and understanding between cultures; and

WHEREAS, ThreeSisterCities.com developed a five-year plan to increase the number of German visitors to the region through cross-promotion and on-going partnerships; and

WHEREAS, the coalition has developed a web portal, a full-color German-language brochure on tourism opportunities, and an exhibit at the International Trade Market in Cologne to aid in this goal; and

WHEREAS, the cooperative effort of these three cities and their theme "From the Heart of Europe to the Heart of America" won the coalition international recognition; now, therefore:

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

*October 25, 2004*

SECTION 1. The Indianapolis City-County Council recognizes the ThreeSisterCities.com coalition for winning the Sister Cities International Innovation Award for Economic Development.

SECTION 2. The Council extends its congratulations to all six cities and wishes them continued success in their economic development, trade and tourism efforts.

SECTION 3. The Mayor is invited to join in this resolution by affixing his signature hereto.

SECTION 4. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 645, 2004. The proposal, sponsored by Councillors Gibson, Boyd, Conley and Sanders, recognizes Tastes of Congo & World Cuisine. Councillor Gibson read the proposal and presented representatives with copies of the document and Council pins. Jose Lusende thanked the Council for the recognition. Councillor Gibson moved, seconded by Councillor Conley, for adoption. Proposal No. 645, 2004 was adopted by a unanimous voice vote.

Proposal No. 645, 2004 was retitled SPECIAL RESOLUTION NO. 55, 2004, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 55, 2004

A SPECIAL RESOLUTION recognizing Tastes of Congo & World Cuisine.

WHEREAS, in 2000, Jose Lusende, a native of the Belgian Congo (formerly known as Zaire), began a catering service first known as Congo Food International; and

WHEREAS, Lusende, who serves on the board of the Nationalities Council of Indiana, has enjoyed participating in the annual International Festival in Indianapolis the last few years because it is a way to bring global culture to people who cannot afford international travel; and

WHEREAS, Tastes of Congo & World Cuisine has twice won first place blue ribbons in food categories at the International Festival and is reaching out to the community with their "Food4Good" initiative helping to provide food to groups and individuals; and

WHEREAS, in 2000 and 2001, Tastes of Congo participated in, donated to and coordinated the "Taste of Africa" celebration in downtown Indianapolis; and

WHEREAS, Tastes of Congo has donated authentic Congo Dinners and food to many important causes around the City, including the Children's Miracle Network through Riley Hospital, the International Center, the Art for Africa Fundraiser, the American Heart Association, the State Bureau on Aging, and two local fire stations; now, therefore:

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The Indianapolis City-County Council recognizes Tastes of Congo & World Cuisine in their efforts to bring Congo cuisine to the Indianapolis community and promote inter-cultural exchange.

SECTION 2. The Council extends its wishes for continued success to Tastes of Congo, as they promote diversity by bringing the flavors and culture of the Congo to the heart of Indiana.

SECTION 3. The Mayor is invited to join in this resolution by affixing his signature hereto.

SECTION 4. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 646, 2004. The proposal, sponsored by Councillors Sanders and Nytes, recognizes the Nationalities Council of Indiana's 2004 International Festival. Councillor Sanders read the proposal and presented representatives with copies of the document and Council pins. Joseph LaRosa, president of the Nationalities Council, and Susan McKee, chairman of this year's

festival, thanked the Council for the recognition and invited them to attend festival events with complimentary tickets. Councillor Sanders moved, seconded by Councillor Nytes, for adoption. Proposal No. 646, 2004 was adopted by a unanimous voice vote.

Proposal No. 646, 2004 was retitled SPECIAL RESOLUTION NO. 56, 2004, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 56, 2004

A SPECIAL RESOLUTION recognizing the Nationalities Council of Indiana's 2004 International Festival.

WHEREAS, the Nationalities Council of Indiana, formed in 1972, is a non-profit, all-volunteer organization of over 50 ethnic and cultural groups dedicated to education, communication and cultural exchange; and

WHEREAS, the Nationalities Council of Indiana was the winner of Mayor Bart Peterson's Award of Distinction at the 2003 Celebration of Diversity in Indianapolis; and

WHEREAS, the signature community outreach event of the Nationalities Council of Indiana is the International Festival; and

WHEREAS, the 2004 International Festival, November 4-7, 2004, will mark the 28<sup>th</sup> anniversary of this unique event that celebrates central Indiana's diversity in culture and ethnic heritage; and

WHEREAS, the International Festival enriches the central Indiana community by providing a positive educational event where individuals learn about other cultures in an open and friendly setting; now, therefore:

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The Indianapolis City-County Council recognizes International Festival Week in Central Indiana from November 1-7, 2004.

SECTION 2. The Council extends its support to this annual event, encourages citizens to participate, and wishes the Nationalities Council continued growth and success in future endeavors.

SECTION 3. The Mayor is invited to join in this resolution by affixing his signature hereto.

SECTION 4. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 521, 2004. Councillor Sanders reported that the Economic Development Committee heard Proposal No. 521, 2004 on October 20, 2004. The proposal, sponsored by Councillor Borst, nominates George Pillow as a candidate for the Economic Development Commission. By a 5-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Sanders moved, seconded by Councillor Borst, for adoption. Proposal No. 521, 2004 was adopted by a unanimous voice vote.

Proposal No. 521, 2004 was retitled COUNCIL RESOLUTION NO. 71, 2004, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 71, 2004

A COUNCIL RESOLUTION nominating George Pillow as a candidate for the Economic Development Commission.

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:



*October 25, 2004*

SECTION 1. As a member of the Economic Development Commission, the Council nominates:

George Pillow

SECTION 2. The nomination made by this resolution is for a term ending January 1, 2005 and shall be under consideration for appointment by the Mayor.

PROPOSAL NO. 593, 2004. Councillor Sanders reported that the Rules and Public Policy Committee heard Proposal No. 593, 2004 on October 5, 2004. The proposal, sponsored by Councillors Boyd and Borst, approves the Mayor's appointment of Melina Maniatis Kennedy as the Deputy Mayor for Economic Development. By a 5-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Sanders moved, seconded by Councillor Borst, for adoption. Proposal No. 593, 2004 was adopted by a unanimous voice vote.

Proposal No. 593, 2004 was retitled COUNCIL RESOLUTION NO. 72, 2004, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 72, 2004

A COUNCIL RESOLUTION approving the Mayor's appointment of Melina Maniatis Kennedy as the Deputy Mayor for Economic Development a term ending December 31, 2004.

WHEREAS, pursuant to IC 36-3-5-2 and Section 201-4 of the "Revised code of the Consolidated City and County," a mayoral appointment of a Deputy Mayor is subject to the approval of the City-County Council; and

WHEREAS, the Mayor of the City of Indianapolis has submitted to this Council the name of Melina Maniatis Kennedy to serve as Deputy Mayor for Economic Development at his pleasure for a term ending December 31, 2004; now, therefore:

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. Melina Maniatis Kennedy is approved and confirmed by the City-County Council to serve as Deputy Mayor for Economic Development for a term ending December 31, 2004.

SECTION 2. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

**INTRODUCTION OF PROPOSALS**

PROPOSAL NO. 627, 2004. Introduced by Councillors Plowman and Sanders. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves a transfer of \$20,000 in the 2004 Budget of Voter's Registration (County General Fund) to fund the increased and unanticipated costs related to the increased volume of voter registrations"; and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 628, 2004. Introduced by Councillors Gray and Cockrum. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$30,090 in the 2004 Budget of the Department of Parks and Recreation (Non-Lapsing Federal Grants Fund) to fund Kindergarten before and after school programs at Indianapolis Public School (IPS) #82, Christian Park Elementary, financed by a grant from the United States Department of Education"; and the President referred it to the Parks and Recreation Committee.

PROPOSAL NO. 629, 2004. Introduced by Councillor Moriarty Adams. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$43,000 in

the 2004 budget of the Marion County Justice Agency (Conditional Release Fund) to complete payment for the Strategic Planning Project"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 630, 2004. Introduced by Councillor McWhirter. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves a transfer of \$63,000 in the 2004 Budget of the Marion County Clerk (Clerk's Perpetuation Fund) to purchase computer equipment"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 631, 2004. Introduced by Councillors Moriarty Adams and Talley. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves a transfer of \$35,610 in the 2004 Budget of the Marion County Sheriff (County Misdemeanor Fund) to pay unexpected expenses"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 632, 2004. Introduced by Councillors Moriarty Adams and Talley. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$199,390 in the 2004 Budget of Marion County Sheriff (State and Federal Grants Fund) to buy equipment for the Sheriff's bomb squad, funded by the U.S. Department of Homeland Security"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 634, 2004. Introduced by Councillors Moriarty Adams and Talley. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$2,295 in the 2004 Budget of the Marion County Sheriff (State and Federal Grants Fund) to purchase 5 Genesis Hand Held Directional traffic radar units, funded by a grant from Indiana Criminal Justice Institute"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 635, 2004. Introduced by Councillors Moriarty Adams, Talley and McWhirter. The Clerk read the proposal entitled: "A Proposal for a Police Special Service District Fiscal Ordinance which approves an increase of \$950,000 in the 2004 Budget of the Department of Public Safety, Police Division (Police Pension Trust, Police General and Consolidated County Funds), to cover sworn overtime costs for the traffic branch and Arrestee Processing Center (APC) and to pay for projected 2004 needs for pension benefits, financed by fund balance"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 636, 2004. Introduced by Councillors Moriarty Adams, Talley and McWhirter. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$112,082 in the 2004 Budget of the Department of Public Safety, Emergency Management and Planning Division (Non-Lapsing Federal Grants Fund), to create and All Hazards Mitigation Plan for Marion County as well as to support and expand the Indiana Citizens Corps Council, financed by grants from the Federal Emergency Management Agency and the Department of Homeland Security"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 637, 2004. Introduced by Councillors Moriarty Adams, Talley and McWhirter. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$112,500 in the 2004 Budget of the Department of Public Safety, Fire Division (Non-Lapsing Federal Grants Fund), to support the permanent Child Seat Inspection program and to cover costs of the Indiana Task Force One's (INTF 1) deployment for hurricanes Frances and

Ivan, financed by federal grants"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 638, 2004. Introduced by Councillors Moriarty Adams, Talley and McWhirter. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves a transfer and an increase of \$353,188 in the 2004 Budget of the Department of Public Safety, Police Division (Federal Grants, Non-Lapsing Federal Grants, and Police General Fund), to continue numerous programs to promote community policing and ensure public safety within the community, financed by transfers between characters, federal grants from the federal Department of Justice and the State Emergency Management Agency (SEMA), and a private donation from Walmart"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 639, 2004. Introduced by Councillor Franklin. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$134,477 in the 2004 Budget of Forensic Services Agency (State and Federal Grants Fund) to allocate funds for overtime, fringes and supplies for DNA Backlog Reduction Program, funded by a grant from the National Institute of Justice, Forensic Casework DNA Backlog Reduction Program"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 640, 2004. Introduced by Councillor Franklin. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$76,378 in the 2004 Budget of Forensic Services Agency (State and Federal Grants Fund) to allocate funds for travel, supplies, equipment and construction costs for DNA Capacity Enhancement Program, funded by a grant from the National Institute of Justice, Forensic Casework DNA Capacity Enhancement Program"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 641, 2004. Introduced by Councillor Conley. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves a transfer of \$31,000 in the 2004 Budget of the Department of Public Works, Operations Division (Non-Lapsing State of Indiana Grants Fund), to replace a ToxDrop Storage Unit at Traders Point located at 7300 N. Lafayette Rd., financed by a transfer between characters"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 647, 2004. Introduced by Councillors Borst, Cockrum, Day and Speedy. The Clerk read the proposal entitled: "A Proposal for a Special Resolution which opposes the proposed I-69 route through Perry Township"; and the President referred it to the Rules and Public Policy Committee.

PROPOSAL NO. 654, 2004. Introduced by Councillors Boyd, Gibson, Gray and Sanders. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which appoints Dennis E. Faulkenberg to the Indianapolis Public Transportation Corporation"; and the President referred it to the Municipal Corporations Committee.

#### **SPECIAL ORDERS - PRIORITY BUSINESS**

PROPOSAL NO. 624, 2004. Councillor Talley reported that the Metropolitan Development Committee heard Proposal No. 624, 2004 on October 11, 2004. The proposal, sponsored by Councillor Talley, is a final resolution for Nora Commons, LP in an amount not to exceed \$15,000,000, which is the new construction of a 272-unit apartment community to be located at 8801 Evergreen Avenue (District 3). By a 5-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

Councillor Speedy stated that he will abstain from voting to avoid the appearance of a conflict of interest.

Councillor Talley moved, seconded by Councillor Nytes, for adoption. Proposal No. 624, 2004 was adopted on the following roll call vote; viz:

*19 YEAS: Borst, Bowes, Boyd, Bradford, Cain, Cockrum, Conley, Day, Franklin, Gibson, Gray, Keller, Langsford, McWhirter, Plowman, Randolph, Sanders, Schneider, Talley*

*0 NAYS:*

*9 NOT VOTING: Abdullallah, Brown, Mahern, Moriarty Adams, Nytes, Oliver, Pfisterer, Salisbury, Speedy*

*1 ABSENT: Mansfield*

Proposal No. 624, 2004 was retitled SPECIAL ORDINANCE NO. 10, 2004, and reads as follows:

CITY-COUNTY SPECIAL ORDINANCE NO. 10, 2004

A SPECIAL ORDINANCE authorizing the City of Indianapolis to issue its City of Indianapolis, Indiana Variable Rate Demand Limited Obligation Multifamily Housing Revenue Bonds, Series 2004A (Nora Commons), and the City of Indianapolis, Indiana Variable Rate Demand Limited Obligation Multifamily Housing Revenue Bonds, Series 2004B (Nora Commons) in the aggregate principal amount not to exceed Fifteen Million Dollars (\$15,000,000) and approving and authorizing other actions in respect thereto.

WHEREAS, Indiana Code Title 36, Article 7, Chapters 11.9 and 12 (collectively, the "Act") declares that the financing and refinancing of economic development facilities constitutes a public purpose; and

WHEREAS, the Act provides that an issuer may, pursuant to the Act, issue revenue bonds and lend the proceeds thereof to a corporation, partnership or individual for the purpose of financing costs of acquisition or construction of facilities, including real and personal property, for diversification of economic development and promotion of job opportunities in or near such issuer; and

WHEREAS, a representative of Nora Commons, LP, an Indiana limited partnership (the "Company"), has requested that the City of Indianapolis, Indiana (the "Issuer") issue bonds and lend the proceeds thereof to the Company in order to enable the Company to undertake and complete the new construction of a 272-unit apartment community to be located at 8801 Evergreen Avenue, Indianapolis, Indiana (the "Project"); and

WHEREAS, the Indianapolis Economic Development Commission (the "Commission") has rendered a report of the Commission concerning the proposed financing of economic development facilities for the Company and the Metropolitan Development Commission of Marion County has been given the opportunity to comment thereon pursuant to Indiana code, Title 36, Article 7, Chapter 12, Section 23(b); and

WHEREAS, pursuant to and in accordance with the Act, the Issuer desires to provide funds to finance the acquisition, rehabilitation, equipping and improvement of the Project by issuing its City of Indianapolis, Indiana Multifamily Housing Revenue Bonds (Nora Commons) Series 2004 (the "Bonds") in one or more series in the aggregate principal amount not to exceed Fifteen Million Dollars (\$15,000,000); and

WHEREAS, the Commission, after a public hearing conducted on October 6, 2004 pursuant to Indiana Code Title 36, Article 7, Chapter 12, Section 24 and Section 147(f) of the Internal Revenue Code of 1986, as amended (the "Code"), found that the financing of the Project complies with the purposes and provisions of the Act and that such financing will be of benefit to the health and welfare of the Issuer and its citizens; and

WHEREAS, the Issuer intends to issue the Bonds pursuant to the Indentures of Trust (the "Indentures") between the Issuer and LaSalle Bank National Association as Trustee (the "Trustee") in order to obtain funds to lend to the Company pursuant to the Loan Agreements (the "Loan Agreements") by and between the Issuer and the Company for the purpose of financing or providing reimbursement for a portion of the cost of the Project and to pay a portion of the costs of issuance of the Bonds; and

WHEREAS, the financing will not have an adverse competitive effect or impact on any similar facility or facility of the same kind already constructed or operating in the same market area or in or about Marion County, Indiana; and

WHEREAS, there have been submitted to the Commission for its approval substantially final forms of the (1) Indentures; (2) Loan Agreements; (3) Purchase Contract; (4) Preliminary Official Statements; (5) Land Use Restriction Agreement; (6) Bonds (hereinafter referred to collectively as the "Financing Documents"); and (7) this proposed form of special ordinance all of which were approved by the Commission by Resolution adopted prior in time to this date, which Resolution has been transmitted hereto; now, therefore:

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA

SECTION 1. It is hereby found that the financing of the economic development facilities consisting of the Project referred to in the Financing Documents, the issuance and sale of the Bonds, the loan of the proceeds thereof to the Company for the purposes of financing or providing reimbursement for a portion of the cost of the Project, and the repayment of said loan by the Company will be of benefit to the health or general welfare of the Issuer and its citizens and does comply with the purposes and provisions of the Act.

SECTION 2. The forms of the Financing Documents presented herewith (i) are hereby approved (ii) are incorporated herein and (iii) shall be kept on file by the Clerk of the Council or City-Controller. In compliance with Indiana Code Title 36, Article 1, Chapter 5, Section 4, two (2) copies of the Financing Documents are on file in the office of the Clerk of the Council for public inspection.

SECTION 3. The Issuer shall issue its Bonds in one or more series in the aggregate principal amount not to exceed Fifteen Million Dollars (\$15,000,000) for the purpose of procuring funds to loan to the Company in order to finance or provide reimbursement for a portion of the cost of the Project which Bonds will be payable as to principal and interest solely from the payments made by the Company pursuant to the Loan Agreements to evidence and secure said loan and as otherwise provided in the above-described Financing Documents. The Bonds shall never constitute a general obligation of, an indebtedness of, or charge against the general credit of the Issuer.

SECTION 4. The Issuer approves the use and distribution of a Preliminary Official Statement and an Official Statement, in substantially the form submitted to the Issuer, in connection with the issuance, sale and delivery of the Bonds, and authorizes and directs the Mayor of the Issuer to sign the Official Statement if so requested by counsel to the Underwriter. Rule 15c2-12(b)(1) of the Securities Exchange Act of 1934, as amended (the "SEC Rule"), provides that, prior to the time a participating underwriter or placement agent bids for, purchases, offers or sells municipal securities, the participating underwriter or placement agent shall obtain and review an official statement that an issuer of such securities deems a "near final" official statement. The Preliminary Official Statement is hereby deemed final as of its date, except for the omission of no more than the following information: the offering price(s), interest rate(s), selling compensation, aggregate principal amount, principal amount per maturity, delivery dates, ratings and other terms of the securities depending on such matters. The Mayor, the City Clerk or any other officer of the Issuer familiar with the matters with respect to the Issuer set forth in the Preliminary Official Statement is hereby authorized to certify to the Underwriter that the information in the Preliminary Official Statement with respect to the Issuer is deemed to be final within the meaning of the SEC Rule prior to the distribution of the Preliminary Official Statement.

SECTION 5. The City Clerk and City Controller are authorized and directed to sell such Bonds to the purchasers thereof at a price not less than 97% of the aggregate principal amount thereof plus accrued interest, if any, and at rates of interest not to exceed 12% per annum. The Bonds will mature no later than 40 years from their date of issuance.

SECTION 6. The Mayor and City Clerk are authorized and directed to execute those Financing Documents approved herein which require the signature of the Mayor and City Clerk and any other document which may be necessary or desirable to consummate the transaction, and their execution is hereby confirmed on behalf of the Issuer. The signatures of the Mayor and the City Clerk on the Bonds may be facsimile signatures. The City Clerk and City Controller are authorized to arrange for the delivery of such Bonds to the purchaser, payment for which will be made in the manner set forth in the Financing Documents. The Mayor and City Clerk may, by their execution of the Financing Documents requiring their signatures or imprinting of their facsimile signatures thereon, approve changes therein and also in those Financing Documents which do not require the signature of the Mayor and/or City Clerk

without further approval of this City-County Council or the Commission if such changes do not affect terms set forth in Indiana Code Title 36, Article 7, Chapter 12, Section 27(a)(1) through (a)(10).

SECTION 7. The provisions of this special ordinance and the Financing Documents shall constitute a contract binding between the Issuer and the holder or holders of the Bonds and after the issuance of said Bonds, this special ordinance shall not be repealed or amended in any respect which would adversely affect the right of such holder or holders so long as said Bonds or the interest thereon remains unpaid.

SECTION 8. The Issuer hereby preliminarily finds and determines that the amount of tax credits to be allocated to the Project under Section 42 of the Code and regulations promulgated thereunder does not exceed the amount necessary for the financial feasibility of the Project and its viability as a qualified housing project throughout the credit period for the Project. In making the foregoing determination, the Issuer has relied upon representations of the Company. The foregoing determinations shall not be construed to be a representation or warranty by the Issuer as to the feasibility or viability of the Project. The Issuer hereby authorizes and directs the Mayor to make the foregoing determination again for and on behalf of the Issuer at the request of the Company following receipt of supporting materials submitted by the Company or of the Indiana Housing Finance Authority ("IHFA") to the effect that (i) the amount of tax credits to be allocated to the Project under Section 42 of the Code does not exceed the amount necessary for the financial feasibility of the Project and its viability as a qualified housing project throughout the credit period for the Project, and (ii) the Project satisfied the requirements for the allocation of a housing credit dollar amount under IHFA's qualified allocation plan. Such determinations shall occur on or about the date of the sale of the Bonds to the purchasers thereof and on or about the date that each building of the Project is placed in service. In reliance upon the representations of the Company, it is hereby found and determined that the Project satisfies the requirements for the allocation of a housing credit dollar amount under IHFA's qualified allocation plan.

SECTION 9. This special ordinance shall be in full force and effect upon adoption and compliance with Indiana Code Title 36, Article 3, Chapter 4, Section 14.

PROPOSAL NO. 625, 2004. Councillor Talley reported that the Metropolitan Development Committee heard Proposal No. 625, 2004 on October 11, 2004. The proposal, sponsored by Councillor Talley, is a special resolution concerning the remarketing of the City of Indianapolis Economic Development Revenue Bonds, series 1994 (Knob in the Woods project) in the aggregate principal amount of \$8,900,000 (District 2). By a 6-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

Councillor Moriarty Adams stated that she will abstain from voting to avoid the appearance of a conflict of interest.

Councillor Talley moved, seconded by Councillor McWhirter, for adoption. Proposal No. 625, 2004 was adopted on the following roll call vote; viz:

*26 YEAS: Abdullah, Borst, Bowes, Boyd, Bradford, Brown, Cain, Cockrum, Conley, Day, Franklin, Gibson, Gray, Keller, Langsford, Mahern, McWhirter, Nytes, Oliver, Plowman, Randolph, Salisbury, Sanders, Schneider, Speedy, Talley*  
*0 NAYS:*  
*2 NOT VOTING: Moriarty Adams, Pfisterer*  
*1 ABSENT: Mansfield*

Proposal No. 625, 2004 was retitled SPECIAL ORDINANCE NO. 11, 2004, and reads as follows:

CITY-COUNTY SPECIAL ORDINANCE NO. 11, 2004

A SPECIAL ORDINANCE authorizing the remarketing of the City of Indianapolis Economic Development Revenue Bonds, Series 1994 (Knob in the Woods Project) (the "Bonds") and approving and authorizing other actions in respect thereto.

WHEREAS, Indiana Code Title 36, Article 7, Chapters 11.9 and 12 (collectively, the "Act") declares that the financing and refinancing of economic development facilities constitutes a public purpose; and

WHEREAS, the Act provides that an issuer may, pursuant to the Act, issue revenue bonds and lend the proceeds thereof to a corporation, partnership, trust or individual for the purpose of financing and refinancing costs of acquisition or construction of facilities, including real and personal property, for diversification of economic development and promotion of job opportunities in or near such issuer, and

WHEREAS, the Act provides that such bonds may be secured by a Indenture of Trust between an issuer and a corporate trustee; and

WHEREAS, F.C. Indianapolis, L.P., an Indiana limited partnership (the "Borrower"), has requested that the City of Indianapolis, Indiana (the "Issuer") approve the remarketing of the Bonds previously issued to finance certain capital assets, including, but not limited to, the acquisition, rehabilitation, renovation, construction and equipping of an existing apartment complex located at 8921 Compton Street, in Indianapolis, Indiana (the "Project"); and

WHEREAS, the Indianapolis Economic Development Commission (the "Commission") has adopted a resolution approving the proposed remarketing of the Bonds for the Borrower pursuant to the terms of the Indenture of Trust securing the Bonds and a proposed First Supplemental Indenture of Trust; and

WHEREAS, the Commission has heretofore approved the substantially final form of the First Supplemental Indenture of Trust (hereinafter referred to collectively as the "First Supplemental Indenture of Trust") and has recommended for adoption this proposed form of special ordinance by a Resolution adopted prior in time to this date, which Resolution has been transmitted hereto; now, therefore:

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. It is hereby found that the remarketing of the Bonds referred to in the First Supplemental Indenture of Trust does comply with the purposes and provisions of the Act, including in particular the requirement of promoting a substantial likelihood of creating or retaining opportunities for gainful employment. Furthermore, it is hereby confirmed that the Project, which consists of the acquisition and rehabilitation of the apartments by the Borrower, has furthered a public purpose of the Issuer through, among other things, the provision of quality, affordable, multifamily housing and services to the tenants.

SECTION 2. The forms of the First Supplemental Indenture of Trust presented herewith is hereby approved and such document shall be kept on file by the Clerk of the Council or City-Controller. In compliance with Indiana Code Title 36, Article 1, Chapter 5, Section 4, two (2) copies of the First Supplemental Indenture of Trust are on file in the office of the Clerk of the Council for public inspection.

SECTION 3. The Issuer appoints RDC Dain Rauscher as Remarketing Agent (the "Remarketing Agent") for the Bonds. The Bonds shall be remarketed on December 1, 2004, for a term of not to exceed ten years and shall be subject to optional and mandatory sinking fund redemption as determined by the Remarketing Agent in order for the Remarketing Agent to remarket the Bonds at par. The Bonds shall never constitute a general obligation of, an indebtedness of, or charge against the general credit of the Issuer.

SECTION 4. The Mayor and the Clerk are authorized and directed to execute the First Supplemental Indenture of Trust approved herein and any other document which may be necessary or desirable to complete the remarketing, and their execution is hereby confirmed on behalf of the Issuer. The signatures of the Mayor and the Clerk on the Bonds may be facsimile signatures. The Mayor and Clerk may, by their execution of the First Supplemental Indenture of Trust requiring their signatures and imprinting of their facsimile signatures thereon, approve changes therein and also approve any supplement to the offering materials for the remarketing of the Bonds which do not require the signature of the Mayor and/or Clerk without further approval of the City-County Council or this Commission if such changes do not affect terms set forth in Indiana Code Title 36, Article 7, Chapter 12, Section 27(a)(1) through (a)(10).

SECTION 5. The provisions of this special ordinance and the First Supplemental Indenture of Trust shall constitute a contract binding between the Issuer and the holder or holders of the Bonds and after the issuance of said Bonds, this special ordinance shall not be repealed or amended in any respect which would adversely affect the rights of such holder or holders so long as said Bonds or the interest thereon remains unpaid.

SECTION 6. Rule 15c2-12(b)(1) of the Securities Exchange Act of 1934, as amended (the "SEC Rule"), provides that, prior to the time a participating underwriter or placement agent bids for, purchases, offers or sells municipal securities, the participating underwriter or placement agent shall obtain and review an

Official Statement that an issuer of such securities deems a "near final" Official Statement. The Official Statement is hereby deemed final as of its date, except for the omission of no more than the following information: the offering price(s), interest rate(s), selling compensation, aggregate principal amount, principal amount per maturity, delivery dates, ratings and other terms of the securities depending on such matters. The Mayor, the Clerk or any other officer of the Issuer familiar with the matters with respect to the Issuer set forth in the Official Statement is hereby authorized to certify to the underwriter, that the information in the Official Statement with respect to the Issuer is deemed to be final within the meaning of the SEC Rule prior to the distribution of the Official Statement.

SECTION 7. This special ordinance shall be in full force and effect upon adoption and compliance with Indiana Code Title 36, Article 3, Chapter 4, Section 14.

PROPOSAL NO. 626, 2004. Councillor Talley reported that the Metropolitan Development Committee heard Proposal No. 626, 2004 on October 11, 2004. The proposal, sponsored by Councillor Talley, is a final resolution for Turtle Creek Apartments, LLC in an amount not to exceed \$10,000,000 which consists of the acquisition and rehabilitation of the existing 262-unit multifamily housing residential rental project known as Turtle Creek Apartments located at 8265 Harcourt Road (District 2). By a 6-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

Councillor Moriarty Adams stated that she will abstain from voting to avoid the appearance of a conflict of interest.

Councillor Talley moved, seconded by Councillor Nytes, for adoption. Proposal No. 626, 2004 was adopted on the following roll call vote; viz:

*27 YEAS: Abdullah, Borst, Bowes, Boyd, Bradford, Brown, Cain, Cockrum, Conley, Day, Franklin, Gibson, Gray, Keller, Langsford, Mahern, McWhirter, Nytes, Oliver, Pfisterer, Plowman, Randolph, Salisbury, Sanders, Schneider, Speedy, Talley*  
*0 NAYS:*  
*1 NOT VOTING: Moriarty Adams*  
*1 ABSENT: Mansfield*

Proposal No. 626, 2004 was retitled SPECIAL ORDINANCE NO. 12, 2004, and reads as follows:

CITY-COUNTY SPECIAL ORDINANCE NO. 12, 2004

A SPECIAL ORDINANCE authorizing the City of Indianapolis to issue its City of Indianapolis, Indiana Multifamily Housing Revenue Bonds (Turtle Creek Apartments) Series 2004 in the aggregate principal amount not to exceed Ten Million Dollars (\$10,000,000) and approving and authorizing other actions in respect thereto.

WHEREAS, Indiana Code Title 36, Article 7, Chapters 11.9 and 12 (collectively, the "Act") declares that the financing and refinancing of economic development facilities constitutes a public purpose; and

WHEREAS, the Act provides that an issuer may, pursuant to the Act, issue revenue bonds and lend the proceeds thereof to a corporation, partnership or individual for the purpose of financing costs of acquisition or construction of facilities, including real and personal property, for diversification of economic development and promotion of job opportunities in or near such issuer; and

WHEREAS, a representative of Turtle Creek North Apartments – Indianapolis, LP, an Indiana limited partnership (the "Company"), has requested that the City of Indianapolis, Indiana (the "Issuer") issue bonds and lend the proceeds thereof to the Company in order to enable the Company to undertake and complete the acquisition, rehabilitation, equipping and improvement of the existing 262-unit Turtle Creek North Apartments on an approximately 8.494 acre parcel of land located at 8265 Harcourt Road, Indianapolis, Indiana (the "Project"); and

WHEREAS, the Indianapolis Economic Development Commission (the "Commission") has rendered a report of the Commission concerning the proposed financing of economic development facilities for the



*October 25, 2004*

Company and the Metropolitan Development Commission of Marion County has been given the opportunity to comment thereon pursuant to Indiana code, Title 36, Article 7, Chapter 12, Section 23(b); and

WHEREAS, pursuant to and in accordance with the Act, the Issuer desires to provide funds to finance the acquisition, rehabilitation, equipping and improvement of the Project by issuing its City of Indianapolis, Indiana Multifamily Housing Revenue Bonds (Turtle Creek North Apartments) Series 2004 (the "Bonds") in one or more series in the aggregate principal amount not to exceed Ten Million Dollars (\$10,000,000); and

WHEREAS, the Commission, after a public hearing conducted on October 6, 2004 pursuant to Indiana Code Title 36, Article 7, Chapter 12, Section 24 and Section 147(f) of the Internal Revenue Code of 1986, as amended (the "Code"), found that the financing of the Project complies with the purposes and provisions of the Act and that such financing will be of benefit to the health and welfare of the Issuer and its citizens; and

WHEREAS, the Issuer intends to issue the Bonds pursuant to one or more Indentures of Trust (the "Indentures") between the Issuer and Wells Fargo Bank, National Association, as Trustee (the "Trustee") in order to obtain funds to lend to the Company pursuant to a Financing Agreement (the "Financing Agreement") by and among the Issuer, the Company, the Trustee and P/R Mortgage & Investment Corp. (the "Lender") and a Loan Agreement ("Loan Agreement") between the Company and the Issuer for the purpose of financing or providing reimbursement for a portion of the cost of the Project and to pay a portion of the costs of issuance of the Bonds; and

WHEREAS, the Financing Agreement provides for the repayment by the Company of the loan of the proceeds of the Bonds pursuant to which the Company will agree to make payments sufficient to pay the principal and interest on the Bonds as the same become due and payable and to pay administrative expenses in connection with the Bonds; and

WHEREAS, the Issuer, the Company and the Trustee will enter into a Land Use Restriction Agreement (the "Land Use Restriction Agreement") which will govern the use of the Project; and

WHEREAS, the Issuer, the Company and the Trustee will enter into a Tax Regulatory Agreement (the "Tax Regulatory Agreement") to assure compliance with the Code; and

WHEREAS, the Issuer, the Company and The Sturges Company (the "Underwriter") will enter into a Purchase Contract (the "Purchase Contract") regarding the sale of the Bonds; and

WHEREAS, the Underwriter will utilize a Preliminary Official Statement (the "Preliminary Official Statement") and an Official Statement (the "Official Statement") in connection with the offering and sale of the Bonds; and

WHEREAS, the financing will not have an adverse competitive effect or impact on any similar facility or facility of the same kind already constructed or operating in the same market area or in or about Marion County, Indiana; and

WHEREAS, there have been submitted to the Commission for its approval substantially final forms of the (1) Indentures; (2) Financing Agreement; (3) Loan Agreement; (4) Purchase Contract; (5) Preliminary Official Statement; (6) Land Use Restriction Agreement; (7) Tax Regulatory Agreement; (8) Bonds (hereinafter referred to collectively as the "Financing Documents"); and (9) this proposed form of special ordinance all of which were approved by the Commission by Resolution adopted prior in time to this date, which Resolution has been transmitted hereto; now, therefore:

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA

SECTION 1. It is hereby found that the financing of the economic development facilities consisting of the Project referred to in the Financing Documents, the issuance and sale of the Bonds, the loan of the proceeds thereof to the Company for the purposes of financing or providing reimbursement for a portion of the cost of the Project, and the repayment of said loan by the Company will be of benefit to the health or general welfare of the Issuer and its citizens and does comply with the purposes and provisions of the Act.

SECTION 2. The forms of the Financing Documents presented herewith (i) are hereby approved (ii) are incorporated herein and (iii) shall be kept on file by the Clerk of the Council or City-Controller. In

compliance with Indiana Code Title 36, Article 1, Chapter 5, Section 4, two (2) copies of the Financing Documents are on file in the office of the Clerk of the Council for public inspection.

SECTION 3. The Issuer shall issue its Bonds in one or more series in the aggregate principal amount not to exceed Ten Million Dollars (\$10,000,000) for the purpose of procuring funds to loan to the Company in order to finance or provide reimbursement for a portion of the cost of the Project which Bonds will be payable as to principal and interest solely from the payments made by the Company pursuant to the Financing Agreement to evidence and secure said loan and as otherwise provided in the above-described Financing Documents. The Bonds shall never constitute a general obligation of, an indebtedness of, or charge against the general credit of the Issuer.

SECTION 4. The Issuer approves the use and distribution of a Preliminary Official Statement and an Official Statement, in substantially the form submitted to the Issuer, in connection with the issuance, sale and delivery of the Bonds, and authorizes and directs the Mayor of the Issuer to sign the Official Statement if so requested by counsel to the Underwriter. Rule 15c2-12(b)(1) of the Securities Exchange Act of 1934, as amended (the "SEC Rule"), provides that, prior to the time a participating underwriter or placement agent bids for, purchases, offers or sells municipal securities, the participating underwriter or placement agent shall obtain and review an official statement that an issuer of such securities deems a "near final" official statement. The Preliminary Official Statement is hereby deemed final as of its date, except for the omission of no more than the following information: the offering price(s), interest rate(s), selling compensation, aggregate principal amount, principal amount per maturity, delivery dates, ratings and other terms of the securities depending on such matters. The Mayor, the City Clerk or any other officer of the Issuer familiar with the matters with respect to the Issuer set forth in the Preliminary Official Statement is hereby authorized to certify to the Underwriter that the information in the Preliminary Official Statement with respect to the Issuer is deemed to be final within the meaning of the SEC Rule prior to the distribution of the Preliminary Official Statement.

SECTION 5. The City Clerk and City Controller are authorized and directed to sell such Bonds to the purchasers thereof at a price not less than 97% of the aggregate principal amount thereof plus accrued interest, if any, and at rates of interest not to exceed 12% per annum. The Bonds will mature no later than 40 years from their date of issuance.

SECTION 6. The Mayor and City Clerk are authorized and directed to execute those Financing Documents approved herein which require the signature of the Mayor and City Clerk and any other document which may be necessary or desirable to consummate the transaction, and their execution is hereby confirmed on behalf of the Issuer. The signatures of the Mayor and the City Clerk on the Bonds may be facsimile signatures. The City Clerk and City Controller are authorized to arrange for the delivery of such Bonds to the purchaser, payment for which will be made in the manner set forth in the Financing Documents. The Mayor and City Clerk may, by their execution of the Financing Documents requiring their signatures or imprinting of their facsimile signatures thereon, approve changes therein and also in those Financing Documents which do not require the signature of the Mayor and/or City Clerk without further approval of this City-County Council or the Commission if such changes do not affect terms set forth in Indiana Code Title 36, Article 7, Chapter 12, Section 27(a)(1) through (a)(10).

SECTION 7. The provisions of this special ordinance and the Financing Documents shall constitute a contract binding between the Issuer and the holder or holders of the Bonds and after the issuance of said Bonds, this special ordinance shall not be repealed or amended in any respect which would adversely affect the right of such holder or holders so long as said Bonds or the interest thereon remains unpaid.

SECTION 8. The Issuer hereby preliminarily finds and determines that the amount of tax credits to be allocated to the Project under Section 42 of the Code and regulations promulgated thereunder does not exceed the amount necessary for the financial feasibility of the Project and its viability as a qualified housing project throughout the credit period for the Project. In making the foregoing determination, the Issuer has relied upon representations of the Company. The foregoing determinations shall not be construed to be a representation or warranty by the Issuer as to the feasibility or viability of the Project. The Issuer hereby authorizes and directs the Mayor to make the foregoing determination again for and on behalf of the Issuer at the request of the Company following receipt of supporting materials submitted by the Company or of the Indiana Housing Finance Authority ("IHFA") to the effect that (i) the amount of tax credits to be allocated to the Project under Section 42 of the Code does not exceed the amount necessary for the financial feasibility of the Project and its viability as a qualified housing project throughout the credit period for the Project, and (ii) the Project satisfied the requirements for the allocation of a housing credit dollar amount under IHFA's qualified allocation plan. Such determinations shall occur on or about the date of the sale of the Bonds to the purchasers thereof and on or about the date that each building of the Project is placed in service. In reliance upon the representations of the Company, it is hereby found and determined that the Project satisfies the requirements for the allocation of a housing credit dollar amount under IHFA's qualified allocation plan.

*October 25, 2004*

SECTION 9. This special ordinance shall be in full force and effect upon adoption and compliance with Indiana Code Title 36, Article 3, Chapter 4, Section 14.

PROPOSAL NOS. 648-653, 2004. Introduced by Councillor Talley. Proposal Nos. 648-653, 2004 are proposals for Rezoning Ordinances certified by the Metropolitan Development Commission on October 18, 2004. The President called for any motions for public hearings on any of those zoning maps changes. There being no motions for public hearings, the proposed ordinances, pursuant to IC 36-7-4-608, took effect as if adopted by the City-County Council, were retitled for identification as REZONING ORDINANCE NOS. 146-151, 2004, the original copies of which ordinances are on file with the Metropolitan Development Commission, which were certified as follows:

REZONING ORDINANCE NO. 146, 2004.

2004-ZON-096

3005-3025 WINTHROP AVENUE AND 1102 EAST 30<sup>TH</sup> STREET (Approximate Addresses), INDIANAPOLIS

CENTER TOWNSHIP, COUNCILMANIC DISTRICT #9

ETERNAL LIFE APOSTOLIC CHURCH requests a rezoning of 1.08 acres, being in the C-1 District, to the SU-1 classification to provide for religious uses.

REZONING ORDINANCE NO. 147, 2004.

2004-ZON-097

505-507 EAST 11<sup>TH</sup> STREET (Approximate Address), INDIANAPOLIS

CENTER TOWNSHIP, COUNCILMANIC DISTRICT #9

RILEY AREA DEVELOPMENT CORPORATION requests a rezoning of 0.063 acres, being in the C-4 District, to the D-8 classification to provide for residential uses.

REZONING ORDINANCE NO. 148, 2004.

2004-ZON-099

5704 WEST 86<sup>TH</sup> STREET (Approximate Address), INDIANAPOLIS

PIKE TOWNSHIP, COUNCILMANIC DISTRICT #1

KITE WEST 86<sup>TH</sup> STREET LLC, by Zeff Weiss, requests a rezoning of 7.189 acres, being in the C-3 and C-S Districts to the C-S classification to provide for the expansion of an existing integrated shopping center.

REZONING ORDINANCE NO. 149, 2004.

2004-ZON-101

1402 HOYT AVENUE (Approximate Address), INDIANAPOLIS

CENTER TOWNSHIP, COUNCILMANIC DISTRICT #16

EARL L. BRANHAM requests a rezoning of 0.07 acre, being in the C-1 classification to the D-5 classification.

REZONING ORDINANCE NO. 150, 2004.

2004-ZON-102

510 EAST WERGES AVENUE (Approximate Address), INDIANAPOLIS

PERRY TOWNSHIP, COUNCILMANIC DISTRICT #23

MARJORIE E. AND BRIAN D. POWERS request a rezoning of 0.17 acre, being in the D-3 and C-7 Districts, to the C-5 classification to provide for commercial uses.

REZONING ORDINANCE NO. 151, 2004.

2004-ZON-104

5553 EMERSON WAY (Approximate Address), INDIANAPOLIS

WASHINGTON TOWNSHIP, COUNCILMANIC DISTRICT #4

BBS ATLANTIC LLC, by Thomas Michael Quinn, requests a rezoning of two acres, being in the C-1 (FF) District, to the C-3 (FF) classification to provide for neighborhood commercial uses.

## **SPECIAL ORDERS - PUBLIC HEARING**

Councillor Gray reported that the Parks and Recreation Committee heard Proposal Nos. 538 and 539, 2004 on October 7, 2004. He asked for consent to vote on these proposals together. Consent was given.

PROPOSAL NO. 538, 2004. The proposal, sponsored by Councillors Gray, Talley and Cockrum, approves an increase of \$45,000 in the 2004 Budget of the Department of Parks and Recreation (Park General Fund) to support the Indy Parks Character Discover Challenge, an initiative to instill positive character traits in youth, financed by a donation from the National Collegiate Athletic Association (NCAA). PROPOSAL NO. 539, 2004. The proposal, sponsored by Councillors Gray, Cockrum and Talley, approves an increase of \$108,052 in the 2004 Budget of the Department of Parks and Recreation (Park General Fund) to complete thirteen capital improvement projects at several parks, financed by Lilly Endowment interest earnings. By 7-0 votes, the Committee reported the proposals to the Council with the recommendation that they do pass.

President Boyd called for public testimony at 8:17 p.m.

Reverend Pamela M. Pinkney, citizen, stated that the faith community should be involved in helping to revitalize these parks, and there is great need for revitalization in the Fall Creek and 29<sup>th</sup> Street areas. She asked if the list of parks being revitalized could be made available to the church. Councillor Gray said that he will get a list for Reverend Pinkney.

There being no further testimony, Councillor Gray moved, seconded by Councillor Mahern, for adoption. Proposal Nos. 538 and 539, 2004 were adopted on the following roll call vote; viz:

*27 YEAS: Abdullah, Borst, Bowes, Boyd, Bradford, Brown, Cain, Cockrum, Conley, Day, Franklin, Gibson, Gray, Keller, Langsford, Mahern, McWhirter, Moriarty Adams, Nytes, Oliver, Pfisterer, Plowman, Randolph, Salisbury, Sanders, Schneider, Talley*

*0 NAYS:*

*1 NOT VOTING: Speedy*

*1 ABSENT: Mansfield*

Proposal No. 538, 2004 was retitled FISCAL ORDINANCE NO. 162, 2004, and reads as follows:

### **CITY-COUNTY FISCAL ORDINANCE NO. 162, 2004**

A FISCAL ORDINANCE amending the City-County Annual Budget for 2004 (City-County Fiscal Ordinance No. 112, 2003) appropriating an additional Forty-five Thousand Dollars (\$45,000) in the Park General for purposes of the Department of Parks and Recreation, and reducing the unappropriated and unencumbered balance in the Park General Fund.

### **BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:**

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1(l) of the City-County Annual Budget for 2004 be, and is hereby amended by the increases and reductions hereinafter stated for purposes of the Department of Parks and Recreation to support the Indy Parks Character Discover Challenge, an initiative to instill positive character traits in youth, financed by a donation from the National Collegiate Athletic Association (NCAA).

SECTION 2. The sum of Forty-five Thousand Dollars (\$45,000) be, and the same is hereby, appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

October 25, 2004

SECTION 3. The following additional appropriation is hereby approved:

<u>DEPARTMENT OF PARKS AND RECREATION</u>	<u>PARK GENERAL FUND</u>
1. Personal Services	36,110
3. Other Services and Charges	<u>8,890</u>
TOTAL INCREASE	45,000

SECTION 4. The said additional appropriation is funded by the following reductions:

	<u>PARK GENERAL FUND</u>
Unappropriated and Unencumbered	
Park General Fund	<u>45,000</u>
TOTAL REDUCTION	45,000

SECTION 5. The projected December 31, 2004, fund balance for the Park General Fund is as follows:

Estimated cash balance as of June 30, 2004	9,049,767
Estimated remaining revenues 2004 (not including this proposal)	<u>12,470,361</u>
Projected funds available	21,520,128
2004 remaining appropriations and encumbrances	20,620,528
Proposed additional appropriation (This proposal)	45,000
Pending additional appropriation requests	<u>108,052</u>
Total Requirements	20,773,580
<b>Projected fund balance December 31, 2004</b>	<b>746,548</b>

SECTION 6. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 539, 2004 was retitled FISCAL ORDINANCE NO. 163, 2004, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 163, 2004

A FISCAL ORDINANCE amending the City-County Annual Budget for 2004 (City-County Fiscal Ordinance No. 112, 2003) appropriating an additional One Hundred and Eight Thousand and Fifty-two Dollars (\$108,052) in the Park General Fund for purposes of the Department of Parks and Recreation, and reducing the unappropriated and unencumbered balance in the Park General Fund.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1(l) of the City-County Annual Budget for 2004 be, and is hereby amended by the increases and reductions hereinafter stated for purposes of the Department of Parks and Recreation to complete thirteen capital improvement projects at several parks, financed by Lilly Endowment interest earnings.

SECTION 2. The sum of One Hundred and Eight Thousand and Fifty-two Dollars (\$108,052) be, and the same is hereby, appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

<u>DEPARTMENT OF PARKS AND RECREATION</u>	<u>PARK GENERAL FUND</u>
4. Capital Outlay	<u>108,052</u>
TOTAL INCREASE	108,052

SECTION 4. The said additional appropriation is funded by the following reductions:

	<u>PARK GENERAL FUND</u>
Unappropriated and Unencumbered	
Park General Fund	<u>108,052</u>
TOTAL REDUCTION	108,052

SECTION 5. The projected December 31, 2004, fund balance for the Park General Fund is as follows:

Estimated cash balance as of June 30, 2004	9,049,767
Estimated remaining revenues 2004 (not including this proposal)	<u>12,470,361</u>
Projected funds available	21,520,128
2004 remaining appropriations and encumbrances	20,620,528
Proposed additional appropriation (This proposal)	108,052
Pending additional appropriation requests	<u>45,000</u>
Total Requirements	20,773,580
<b>Projected fund balance December 31, 2004</b>	<b>746,548</b>

SECTION 6. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 570, 2004. Councillor Sanders reported that the Economic Development Committee heard Proposal No. 570, 2004 on October 20, 2004. The proposal, sponsored by Councillor Sanders, approves an increase of \$2,000,000 in the 2004 Budget of the Office of the City Controller (Redevelopment General Fund) to fund an economic development project at the Indianapolis Maintenance Center (IMC) at the airport, financed by savings related to refunding of the United Airlines bond issue. By a 5-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass as amended.

President Boyd called for public testimony at 8:21 p.m.

Rev. Pinkney asked what happens to those affected by this project. Councillor Sanders said that the project will hire 225 people in the first year and increase that number up to 6,500.

Councillor McWhirter asked if there was other savings besides the \$2 million from the refinancing. Councillor Sanders said that this \$2 million is actually a part of a State of Indiana program, and the refinancing helped save some \$5 million. Councillor McWhirter asked if the City received any other savings. Councillor Sanders said that she will have to ask for that information. Councillor McWhirter said that she would like to see the City consider giving some of that savings back to the taxpayer who helped fund the United facility development which failed.

There being no further testimony, Councillor Sanders moved, seconded by Councillor Abdullah, for adoption. Proposal No. 570, 2004, as amended, was adopted on the following roll call vote; viz:

*28 YEAS: Abdullah, Borst, Bowes, Boyd, Bradford, Brown, Cain, Cockrum, Conley, Day, Franklin, Gibson, Gray, Keller, Langsford, Mahern, McWhirter, Moriarty Adams, Nytes, Oliver, Pfisterer, Plowman, Randolph, Salisbury, Sanders, Schneider, Speedy, Talley*  
*0 NAYS:*  
*1 ABSENT: Mansfield*

Proposal No. 570, 2004, as amended, was retitled FISCAL ORDINANCE NO. 1164, 2004, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 164, 2004

A FISCAL ORDINANCE amending the City-County Annual Budget for 2004 (City-County Fiscal Ordinance No. 112, 2003) appropriating an additional Two Million Dollars (\$2,000,000) in the

October 25, 2004

Redevelopment General Fund for purposes of the Office of the City Controller, and reducing the unappropriated and unencumbered balance in the Redevelopment General Fund.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1(f) of the City-County Annual Budget for 2004 be, and is hereby amended by the increases and reductions hereinafter stated for purposes of the Office of the City Controller to fund an economic development project at the Indianapolis Maintenance Center (IMC) at the airport, financed by savings related to refunding of the United Airlines bond issue.

SECTION 2. The sum of Two Million Dollars (\$2,000,000) in the Redevelopment General Fund be, and the same is hereby, appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

<u>OFFICE OF THE CITY CONTROLLER</u>	<u>REDEVELOPMENT GENERAL FUND</u>
3. Other Services and Charges	<u>2,000,000</u>
TOTAL INCREASE	2,000,000

SECTION 4. The said additional appropriation is funded by the following reductions:

	<u>REDEVELOPMENT GENERAL FUND</u>
Unappropriated and Unencumbered Redevelopment General Fund	<u>2,000,000</u>
TOTAL REDUCTION	2,000,000

SECTION 5. The projected December 31, 2004, fund balance for the Redevelopment General Fund is as follows:

Cash balance as of June 30, 2004	4,282,528
Estimated remaining revenues 2004	1,348,520
Additional revenues, this proposal	<u>2,000,000</u>
Projected funds available	7,631,048
2004 remaining appropriations	1,227,034
Proposed appropriation (this proposal)	<u>2,000,000</u>
Total Requirements	3,227,034
Projected fund balance December 31, 2004	4,404,014

SECTION 6. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 571, 2004. Councillor Talley reported that the Metropolitan Development Committee heard Proposal No. 571, 2004 on October 11, 2004. The proposal, sponsored by Councillors Talley, Abdullah and Pfisterer, approves an increase of \$100,000 in the 2004 Budget of the Department of Metropolitan Development, Division of Administration (Non-Lapsing State Grants Fund), to complete remediation at the former gas station site located at 1402 Dr. Martin Luther King, Jr. Street, financed by a grant from the State of Indiana. By a 6-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

President Boyd called for public testimony at 8:25 p.m.

Rev. Pinkney asked what the redevelopment vision is for this community. Councillor Talley said that it has not yet been identified. Councillor Gibson commended the administration for making these properties available for redevelopment.

There being no further testimony, Councillor Talley moved, seconded by Councillor Pfisterer, for adoption. Proposal No. 571, 2004 was adopted on the following roll call vote; viz:

28 YEAS: *Abduallah, Borst, Bowes, Boyd, Bradford, Brown, Cain, Cockrum, Conley, Day, Franklin, Gibson, Gray, Keller, Langsford, Mahern, McWhirter, Moriarty Adams, Nytes, Oliver, Pfisterer, Plowman, Randolph, Salisbury, Sanders, Schneider, Speedy, Talley*

0 NAYS:

1 ABSENT: *Mansfield*

Proposal No. 571, 2004 was retitled FISCAL ORDINANCE NO. 165, 2004, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 165, 2004

A FISCAL ORDINANCE amending the City-County Annual Budget for 2004 (City-County Fiscal Ordinance No. 112, 2003) appropriating an additional One Hundred Thousand Dollars (\$100,000) in the Non-Lapsing State Grants Fund for purposes of the Department of Metropolitan Development, Division of Administration, and reducing the unappropriated and unencumbered balance in the Non-Lapsing State Grants Fund.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1(i) of the City-County Annual Budget for 2004 be, and is hereby amended by the increases and reductions hereinafter stated for purposes of the Department of Metropolitan Development, Division of Administration, to complete remediation at the former gas station site located at 1402 Dr. Martin Luther King, Jr. Street, financed by a grant from the State of Indiana.

SECTION 2. The sum of One Hundred Thousand Dollars (\$100,000) be, and the same is hereby, appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

<u>DEPARTMENT OF METROPOLITAN DEVELOPMENT</u>	
<u>DIVISION OF ADMINISTRATION</u>	<u>NON-LAPSING STATE GRANTS FUND</u>
3. Other Services and Charges	<u>100,000</u>
TOTAL INCREASE	100,000

SECTION 4. The said additional appropriation is funded by the following reductions:

	<u>NON-LAPSING STATE GRANTS FUND</u>
Unappropriated and Unencumbered	
Non-Lapsing State Grants Fund	<u>100,000</u>
TOTAL REDUCTION	100,000

SECTION 5. Except to the extent of matching funds, if any, approved in this ordinance, the council does not intend to use the revenues from any local tax regardless of source to supplement or extend the appropriation for the agencies or projects authorized by this ordinance. The supervisor of the agency or project, or both, and the controller are directed to notify in writing the city-county council immediately upon receipt of any information that the agency or project is, or may be, reduced or eliminated.

SECTION 6. This appropriation shall be in addition to all appropriations provided for in the regular budget and levy, and shall continue in effect until the completion of the program described in section 1 above.

SECTION 7. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 572, 2004. Councillor Talley reported that the Metropolitan Development Committee heard Proposal No. 572, 2004 on October 11, 2004. The proposal, sponsored by



Councillors Talley, Mahern and Keller, approves an increase of \$796,000 in the 2004 Budget of the Department of Metropolitan Development, Division of Planning (Non-Lapsing Federal Grants Fund), to pay for an Alternative Analysis study to further investigate rapid transit and a Comprehensive Operation Analysis to investigate local transit systems, financed by a grant from the Federal Transit Administration. By a 6-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

Councillors Mahern and Gibson expressed their support for the proposal and said that this is different from previous studies because it includes a more regional approach and is a more comprehensive rapid transit study.

Councillor Schneider said that he is opposed to the proposal, as a majority of the grant is for the northeast corridor, which is his district, and too much money has already been spent on studies. It is time that the city stop spending tax dollars to study an issue that has already been studied numerous times, when the taxpayers in his district will end up having to fund solutions for other counties.

Councillor Pfisterer said that she is in favor of mass transit, but it does seem a lot of time and money has been spent on analysis and it is time to move from study to action.

President Boyd called for public testimony at 8:31 p.m. There being no one resent to testify, Councillor Talley moved, seconded by Councillor Mahern, for adoption. Proposal No. 572, 2004 was adopted on the following roll call vote; viz:

*21 YEAS: Abdullah, Borst, Bowes, Boyd, Brown, Conley, Day, Franklin, Gibson, Gray, Keller, Langsford, Mahern, Moriarty Adams, Nytes, Oliver, Pfisterer, Randolph, Sanders, Speedy, Talley*  
*7 NAYS: Bradford, Cain, Cockrum, McWhirter, Plowman, Salisbury, Schneider*  
*0 NOT VOTING:*  
*1 ABSENT: Mansfield*

Proposal No. 572, 2004 was retitled FISCAL ORDINANCE NO. 166, 2004, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 166, 2004

A FISCAL ORDINANCE amending the City-County Annual Budget for 2004 (City-County Fiscal Ordinance No. 112, 2003) appropriating an additional Seven Hundred Ninety Six Thousand Dollars (\$796,000) in the Non-Lapsing Federal Grants Fund for purposes of the Department of Metropolitan Development, Division of Planning, and reducing the unappropriated and unencumbered balance in the Federal Grants Fund.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1(i) of the City-County Annual Budget for 2004 be, and is hereby amended by the increases and reductions hereinafter stated for purposes of the Department of Metropolitan Development, Division of Planning, to pay for an Alternative Analysis study to further investigate rapid transit and a Comprehensive Operation Analysis to investigate local transit systems, financed by a grant from the Federal Transit Administration.

SECTION 2. The sum of Seven Hundred and Ninety Six Thousand Dollars (\$796,000) be, and the same is hereby, appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

<u>DEPARTMENT OF METROPOLITAN DEVELOPMENT</u>	
<u>DIVISION OF PLANNING</u>	<u>NON-LAPSING FEDERAL GRANTS FUND</u>
3. Other Services and Charges	<u>796,000</u>
TOTAL INCREASE	796,000

SECTION 4. The said additional appropriation is funded by the following reductions:

	<u>NON-LAPSING FEDERAL GRANTS FUND</u>
Unappropriated and Unencumbered	
Non-Lapsing Federal Grants Fund	<u>796,000</u>
TOTAL REDUCTION	796,000

SECTION 5. Except to the extent of matching funds, if any, approved in this ordinance, the council does not intend to use the revenues from any local tax regardless of source to supplement or extend the appropriation for the agencies or projects authorized by this ordinance. The supervisor of the agency or project, or both, and the controller are directed to notify in writing the city-county council immediately upon receipt of any information that the agency or project is, or may be, reduced or eliminated.

SECTION 6. This appropriation shall be in addition to all appropriations provided for in the regular budget and levy, and shall continue in effect until the completion of the program described in section 1 above.

SECTION 7. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 573, 2004. Councillor Talley reported that the Metropolitan Development Committee heard Proposal No. 573, 2004 on October 11, 2004. The proposal, sponsored by Councillors Nytes, Talley, Keller and Oliver, approves an increase of \$949,000 in the 2004 Budget of the Department of Metropolitan Development, Community Development Division (Federal Grants and Redevelopment General Fund), to cover development costs, infrastructure needs, and acquisition of the final properties at Fall Creek Place, financed by a grant from the United States Department of Housing and Urban Development, program income through the use of Community Development Block Grant funds and Redevelopment General Fund balance. By a 4-2 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

President Boyd called for public testimony at 8:47 p.m.

Rev. Pinkney asked if these final properties were an afterthought. Councillor Talley said that these are the last four lots in the project and were planned during the final phase.

Jennifer McGowan, resident of Fall Creek Place, said that although Councillors may have heard that some residents are displeased, these complaints are problems with private builders, and the project as a whole is a good thing. The Council's support of the redevelopment of this neighborhood is much appreciated and has helped many.

Vickie Jackson, resident, stated that this project is a model for the nation, and has given people the opportunity to own a home who might not normally have that opportunity.

Jason Preston, resident, stated that he also appreciates the project, which has allowed him to build a home close to his work and still have a yard for his dog.

Councillor Pfisterer stated that she opposed the proposal in committee, but has since had her concerns addressed and now supports the measure.

Councillor Speedy said that many residents spoke in committee regarding bad experiences with the project, and although he is not against the project, he hopes the city administration will address those concerns that were raised and continues to respond to these types of issues.

Councillor Bradford said that he will support the proposal, but there were a lot of dissatisfied people at the committee hearing, who are finally getting some resolutions, and he hopes the city continues to listen.

Councillor Nytes said that any major project like this is a risk and will have some bumps in the road, but good things are to come.

Councillor Gibson said that the City has been responsive to concerns despite comments to the contrary.

Councillor Talley thanked all those citizens who appeared before the committee to voice their concerns and he invited them to a community meeting on Wednesday, October 27.

There being no further testimony, Councillor Talley moved, seconded by Councillor Nytes, for adoption. Proposal No. 573, 2004 was adopted on the following roll call vote; viz:

*27 YEAS: Abdullallah, Borst, Bowes, Boyd, Bradford, Brown, Cain, Cockrum, Conley, Day, Franklin, Gibson, Gray, Keller, Langsford, Mahern, McWhirter, Moriarty Adams, Nytes, Oliver, Pfisterer, Plowman, Randolph, Salisbury, Sanders, Speedy, Talley*

*1 NAY: Schneider*

*1 ABSENT: Mansfield*

Proposal No. 573, 2004 was retitled FISCAL ORDINANCE NO. 167, 2004, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 167, 2004

A FISCAL ORDINANCE amending the City-County Annual Budget for 2004 (City-County Fiscal Ordinance No. 112, 2003) appropriating an additional Nine Hundred Forty Nine Thousand Dollars (\$949,000) in the Federal Grants Fund for purposes of the Department of Metropolitan Development, Community Development Division, and reducing the unappropriated and unencumbered balance in the Federal Grants and Redevelopment General Funds.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1(i) of the City-County Annual Budget for 2004 be, and is hereby amended by the increases and reductions hereinafter stated for purposes of the Department of Metropolitan Development, Community Development Division, to cover development costs, infrastructure needs, and acquisition of the final properties at Fall Creek Place, financed by a grant from the United States Department of Housing and Urban Development, program income through the use of Community Development Block Grant funds and Redevelopment General Fund balance.

SECTION 2. The sum of Nine Hundred and Forty Nine Thousand Dollars (\$949,000) be, and the same is hereby, appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

<u>DEPARTMENT OF METROPOLITAN DEVELOPMENT</u> <u>COMMUNITY DEVELOPMENT DIVISION</u>		<u>FEDERAL GRANTS FUND</u>
3. Other Services and Charges		524,000
4. Capital Outlay		<u>150,000</u>
TOTAL INCREASE		674,000

<u>DEPARTMENT OF METROPOLITAN DEVELOPMENT</u> <u>COMMUNITY DEVELOPMENT DIVISION</u>		<u>REDEVELOPMENT GENERAL FUND</u>
3. Other Services and Charges		<u>275,000</u>
TOTAL INCREASE		275,000

SECTION 4. The said additional appropriation is funded by the following reductions:

		<u>FEDERAL GRANTS FUND</u>
Unappropriated and Unencumbered		
Federal Grants Fund		<u>674,000</u>
TOTAL REDUCTION		674,000

		<u>REDEVELOPMENT GENERAL FUND</u>
Unappropriated and Unencumbered		
Federal Grants Fund		<u>275,000</u>
TOTAL REDUCTION		275,000

SECTION 5. The projected December 31, 2004, fund balance for the Redevelopment General Fund is as follows:

Cash Balance June 30, 2004	4,282,528
Estimated revenues 2004	<u>1,348,520</u>
Projected funds available	5,631,048
2004 remaining appropriations, including all encumbrances	1,227,034
Proposed additional appropriation (this proposal)	<u>275,000</u>
Total Requirements	1,502,034
Projected fund balance December 31, 2004	4,129,014

SECTION 6. Except to the extent of matching funds, if any, approved in this ordinance, the council does not intend to use the revenues from any local tax regardless of source to supplement or extend the appropriation for the agencies or projects authorized by this ordinance. The supervisor of the agency or project, or both, and the controller are directed to notify in writing the city-county council immediately upon receipt of any information that the agency or project is, or may be, reduced or eliminated.

SECTION 7. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Councillor Moriarty Adams reported that the Public Safety and Criminal Justice Committee heard Proposal Nos. 578, 581, 584, 586, and 587, 2004 on October 6, 2004. She asked for consent to vote on these proposals together. Councillor Schneider asked that Proposal No. 587, 2004 be voted on separately. Consent was given to vote on Proposal Nos. 578, 581, 584, and 586, 2004 together.

PROPOSAL NO. 578, 2004. The proposal, sponsored by Councillors Moriarty Adams, Talley and McWhirter, approves an increase of \$928,925 in the 2004 Budget of the Department of Public Safety, Fire Division (Non-Lapsing Federal Grants Fund and Federal Grants Fund), to cover numerous expenses of the Urban Search and Rescue Task Force such as program management, training, medical screening, ground transport, warehouse renovation costs, canine team support, and equipment acquisition, as well as to cover the deployment costs incurred by Task Force members while serving at the Republican National Convention, financed by a grant from the federal Department of Homeland Security (DHS) - Federal Emergency Management

Agency (FEMA). PROPOSAL NO. 581, 2004. The proposal, sponsored by Councillor Moriarty Adams, approves an increase of \$10,000 in the 2004 Budget of the Marion County Justice Agency (Law Enforcement Fund) for purposes of the Marion County Justice Agency to cover additional contractual expenses incurred. PROPOSAL NO. 584, 2004. The proposal, sponsored by Councillor Borst, approves an increase of \$48,431 in the 2004 budget of the Marion Superior Court (Drug Testing Lab Fund) to fund fringe expenses. PROPOSAL NO. 586, 2004. The proposal, sponsored by Councillor McWhirter, approves an increase of \$15,000 in the 2004 budget of the Marion Superior Court, Juvenile Division (County Grants Fund), to purchase book bags or backpacks for Youth Programs, funded by a grant from the Lumina Foundation for Education. By 6-0 votes, the Committee reported the proposals to the Council with the recommendation that they do pass.

President Boyd called for public testimony at 9:02 p.m.

Rev. Pinkney stated that the Council continues to put money into entities where inequality still exists. She added that more focus should be on illiteracy among the poor instead of book bags.

There being no further testimony, Councillor Moriarty Adams moved, seconded by Councillor Talley, for adoption. Proposal Nos. 578, 581, 584, and 586, 2004 were adopted on the following roll call vote; viz:

*28 YEAS: Abdullallah, Borst, Bowes, Boyd, Bradford, Brown, Cain, Cockrum, Conley, Day, Franklin, Gibson, Gray, Keller, Langsford, Mahern, McWhirter, Moriarty Adams, Nytes, Oliver, Pfisterer, Plowman, Randolph, Salisbury, Sanders, Schneider, Speedy, Talley*

*0 NAYS:*

*1 ABSENT: Mansfield*

Proposal No. 578, 2004 was retitled FISCAL ORDINANCE NO. 168, 2004, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 168, 2004

A FISCAL ORDINANCE amending the City-County Annual Budget for 2004 (City-County Fiscal Ordinance No. 112, 2003) appropriating an additional Nine Hundred Twenty Eight Thousand Nine Hundred and Twenty Five Dollars (\$928,925) in the Federal Grants and Non-Lapsing Federal Grants Funds for purposes of the Department of Public Safety, Fire Division, and reducing the unappropriated and unencumbered balance in the Federal Grants and Non-Lapsing Federal Grants Funds.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1(k) of the City-County Annual Budget for 2004 be, and is hereby amended by the increases and reductions hereinafter stated for purposes of the Department of Public Safety, Fire Division, to cover numerous expenses of the Urban Search and Rescue Task Force such as program management, training, medical screening, ground transport, warehouse renovation costs, canine team support, and equipment acquisition, as well as to cover the deployment costs incurred by Task Force members while serving at the Republican National Convention, financed by a grant from the federal Department of Homeland Security (DHS) - Federal Emergency Management Agency (FEMA).

SECTION 2. The sum of Nine Hundred and Twenty Eight Thousand Nine Hundred and Twenty Five Dollars (\$928,925) be, and the same is hereby, appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

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SECTION 3. The following additional appropriation is hereby approved:

DEPARTMENT OF PUBLIC SAFETY

FIRE DIVISION

NON-LAPSING FEDERAL GRANTS FUND

2. Supplies	66,216
3. Other Services and Charges	572,074
4. Capital Outlay	<u>266,635</u>
TOTAL INCREASE	904,925

DEPARTMENT OF PUBLIC SAFETY

FIRE DIVISION

FEDERAL GRANTS FUND

3. Other Services and Charges	<u>24,000</u>
TOTAL INCREASE	24,000

SECTION 4. The said additional appropriation is funded by the following reductions:

NON-LAPSING FEDERAL GRANTS FUND

Unappropriated and Unencumbered	
Non-Lapsing Federal Grants Fund	<u>904,925</u>
TOTAL REDUCTION	904,925

FEDERAL GRANTS FUND

Unappropriated and Unencumbered	
Federal Grants Fund	<u>24,000</u>
TOTAL REDUCTION	24,000

SECTION 5. Except to the extent of matching funds, if any, approved in this ordinance, the council does not intend to use the revenues from any local tax regardless of source to supplement or extend the appropriation for the agencies or projects authorized by this ordinance. The supervisor of the agency or project, or both, and the controller are directed to notify in writing the city-county council immediately upon receipt of any information that the agency or project is, or may be, reduced or eliminated.

SECTION 6. This appropriation shall be in addition to all appropriations provided for in the regular budget and levy, and shall continue in effect until the completion of the program described in section 1 above.

SECTION 7. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 581, 2004 was retitled FISCAL ORDINANCE NO. 169, 2004, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 169, 2004

A FISCAL ORDINANCE amending the City-County Annual Budget for 2004 (City-County Fiscal Ordinance No. 114, 2003) appropriating an additional Ten Thousand Dollars (\$10,000) in the Law Enforcement Fund for purposes of the Marion County Justice Agency and reducing the unappropriated and unencumbered balance in the Law Enforcement Fund.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1(d.) of the City-County Annual Budget for 2004 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Marion County Justice Agency for to cover additional contractual expenses incurred.

SECTION 2. The sum of the Ten Thousand Dollars (\$10,000) be, and the same is hereby, appropriated the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

MARION COUNTY JUSTICE AGENCY

LAW ENFORCEMENT FUND

3. Other Services and Charges	<u>10,000</u>
TOTAL INCREASE	10,000

October 25, 2004

SECTION 4. The said additional appropriation is funded by the following reductions:

	<u>LAW ENFORCEMENT FUND</u>
Unappropriated and Unencumbered	
Law Enforcement Fund	<u>10,000</u>
TOTAL REDUCTION	10,000

SECTION 5. The projected December 31, 2004, fund balance for the Law Enforcement Fund is as follows:

Current cash balance 08-31-04	1,284,475
Anticipated additional revenue through December 31, 2004	<u>449,540</u>
Projected funds available	1,734,015
Remaining appropriations and encumbrances	517,349
Proposed additional appropriation	<u>10,000</u>
Funds required	527,349
Projected fund balance December 31, 2004	1,209,666

SECTION 6. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 584, 2004 was retitled FISCAL ORDINANCE NO. 170, 2004, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 170, 2004

A FISCAL ORDINANCE amending the City-County Annual Budget for 2004 (City-County Fiscal Ordinance No.114, 2003) appropriating an additional Forty-eight Thousand Four Hundred Thirty-one Dollars (\$48,431) in the Drug Testing Lab Fund for purposes of the Marion Superior Court, and reducing the unappropriated and unencumbered balance in the Drug Testing Lab Fund.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1(f) of the City-County Annual Budget for 2004 be, and is hereby, amended by the increases and reductions hereinafter stated for the purposes of the Marion Superior Court to fund fringe expense. Fringe benefits were not budgeted in this fund.

SECTION 2. The sum of Forty-eight Thousand Four Hundred Thirty-one Dollars (\$48,431) and the same is hereby, appropriated the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

<u>MARION SUPERIOR COURT</u>	<u>DRUG TESTING LAB FUND</u>
1. Personal Services - fringes	<u>48,431</u>
TOTAL INCREASE	48,431

SECTION 4. The said additional appropriation is funded by the following reductions:

	<u>DRUG TESTING LAB FUND</u>
Unappropriated and Unencumbered	
Drug Treatment Diversion Program Fund	<u>48,431</u>
TOTAL REDUCTION	48,431

SECTION 5. The projected December 31, 2004, fund balance for the Drug Testing Lab Fund is as follows:

Current cash balance 08-31-04	254,405
Anticipated additional revenue through December 31, 2004	<u>183,403</u>
Projected funds available	437,808

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Remaining appropriations and encumbrances	59,594
Proposed additional appropriation	<u>48,431</u>
Funds required	108,026
 Projected fund balance December 31, 2004	 329,782

SECTION 6. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 586, 2004, as amended, was retitled FISCAL ORDINANCE NO. 171, 2004, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 171, 2004

A FISCAL ORDINANCE amending the City-County Annual Budget for 2004 (City-County Fiscal Ordinance No. 114, 2003) appropriating an additional Fifteen Thousand Dollars (\$15,000) in the County Grants Fund for purposes of the Marion County Superior Court, Juvenile Division and reducing the unappropriated and unencumbered balance in the County Grants Fund.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1(f) of the City-County Annual Budget for 2004 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of appropriating a grant to purchase ~~books~~ book bags or backpacks for Youth Programs.

SECTION 2. The sum of Fifteen Thousand Dollars (\$15,000) be, and the same is hereby, appropriated the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

<u>MARION SUPERIOR COURT, JUVENILE DIVISION</u>	<u>COUNTY GRANTS FUND</u>
2. Supplies	520
3. Other Services and Charges	<u>14,480</u>
TOTAL INCREASE	15,000

SECTION 4. The said additional appropriation is funded by the following reductions:

	<u>COUNTY GRANTS FUND</u>
Unappropriated and Unencumbered County Grants Fund	<u>15,000</u>
TOTAL REDUCTION	15,000

SECTION 5. Local match of \$35,724 is funded by the following existing appropriations in the Marion Superior Court's budget:

Existing appropriations for the Marion Superior Court	<u>COUNTY GENERAL FUND</u>
1. Personal Services	12,714
3. Other Services and Charges	<u>23,010</u>
TOTAL MATCH	35,724

SECTION 6. Except to the extent of matching funds approved in this ordinance, the council does not intend to use the revenues from any local tax regardless of source to supplement or extend the appropriation for the agencies or projects authorized by this ordinance. The supervisor of the agency or project, or both, and the auditor are directed to notify in writing the city-county council immediately upon receipt of any information that the agency or project is, or may be, reduced or eliminated.

SECTION 7. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.



PROPOSAL NO. 587, 2004. Councillor Moriarty Adams reported that the Public Safety and Criminal Justice Committee heard Proposal No. 587, 2004 on October 6, 2004. The proposal, sponsored by Councillor McWhirter, approves an increase of \$757,654 in the 2004 Budget of Marion Superior Court (State and Federal Grants Fund) to appropriate Juvenile Accountability Block Grant #6 for year 2004/2005, funded by grants from the Indiana Criminal Justice Institute. By a 5-1 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

Councillor Schneider stated that building character is the responsibility of parents, and he believes this grant is wasteful.

President Boyd called for public testimony at 9:05 p.m.

Rev. Pinkney said that building character and making children accountability is the role of the parent, and when the courts and law enforcement get involved, children end up getting drugged.

There being no further testimony, Councillor Moriarty Adams moved, seconded by Councillor McWhirter, for adoption. Proposal No. 587, 2004 was adopted on the following roll call vote; viz:

*22 YEAS: Abdullah, Borst, Bowes, Boyd, Brown, Cockrum, Conley, Day, Franklin, Gibson, Gray, Langsford, Mahern, McWhirter, Moriarty Adams, Nytes, Oliver, Pfisterer, Plowman, Randolph, Sanders, Talley*

*6 NAYS: Bradford, Cain, Keller, Salisbury, Schneider, Speedy*

*1 ABSENT: Mansfield*

Proposal No. 587, 2004 was retitled FISCAL ORDINANCE NO. 172, 2004, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 172, 2004

A FISCAL ORDINANCE amending the City-County Annual Budget for 2004 (City-County Fiscal Ordinance No. 114, 2003) appropriating an additional Seven Hundred Fifty-seven Thousand Six Hundred Fifty -four Dollars (\$757,654) in the State and Federal Grants Fund for purposes of the Marion Superior Court and reducing the unappropriated and unencumbered balance in the State and Federal Grants Fund.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1 (f) of the City-County Annual Budget for 2004 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Marion Superior Court to appropriate Juvenile Accountability Block Grant #6 for year 2004/2005.

SECTION 2. The sum of an additional Seven Hundred Fifty-seven Thousand Six Hundred Fifty -four Dollars (\$757,654) be, and the same is hereby, appropriated the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

<u>MARION SUPERIOR COURT</u>	<u>STATE AND FEDERAL GRANTS FUND</u>
1. Personal Services	261,218
1. Personal Services-fringes	44,724
2. Supplies	14,797
3. Other Services and Charges	<u>436,915</u>
TOTAL INCREASE	757,654

SECTION 4. The said additional appropriation is funded by the following reductions:

	<u>STATE AND FEDERAL GRANTS FUND</u>
Unappropriated and Unencumbered	
State and Federal Grants Fund	<u>757,654</u>
TOTAL REDUCTION	757,654

SECTION 5. The local match of \$84,184 is funded by the following existing appropriation in the Marion Superior Court (\$72,837) and the remainder (\$11,347) from outside vendors.

<u>MARION SUPERIOR COURT</u>	<u>COUNTY GENERAL FUND</u>
1. Personal Services	<u>72,837</u>
TOTAL MATCH	72,837

SECTION 6. Except to the extent of matching funds approved in this ordinance, the council does not intend to use the revenues from any local tax regardless of source to supplement or extend the appropriation for the agencies or projects authorized by this ordinance. The supervisor of the agency or project, or both, and the auditor are directed to notify in writing the city-county council immediately upon receipt of any information that the agency or project is, or may be, reduced or eliminated.

SECTION 7. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 589, 2004. Councillor Conley reported that the Public Works Committee heard Proposal No. 589, 2004 on October 14, 2004. The proposal, sponsored by Councillors Conley and Keller, approves an increase of \$100,000 in the 2004 Budget of the Department of Public Works, Policy and Planning Division (Non-Lapsing Federal Grants Fund), to retrofit 37 diesel-powered packer trucks and approximately eight off-road vehicles with diesel oxidation catalysts (DOCs), financed by a grant for the Federal Environmental Protection Agency. By a 5-1 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

Councillor Bradford said that it is ridiculous to refit catalytic converters when they already have them. Councillor Pfisterer stated that when off-road vehicles are used in an urban setting, they sometimes need more efficiencies in order to emit less pollutants.

President Boyd called for public testimony at 9:10 p.m. There being no one present to testify, Councillor Conley moved, seconded by Councillor Keller, for adoption. Proposal No. 589, 2004 was adopted on the following roll call vote; viz:

*23 YEAS: Abdullallah, Borst, Bowes, Boyd, Brown, Conley, Day, Franklin, Gibson, Gray, Keller, Langsford, Mahern, McWhirter, Moriarty Adams, Nytes, Oliver, Pfisterer, Plowman, Randolph, Sanders, Speedy, Talley*  
*5 NAYS: Bradford, Cain, Cockrum, Salisbury, Schneider*  
*1 ABSENT: Mansfield*

Proposal No. 589, 2004 was retitled FISCAL ORDINANCE NO. 173, 2004, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 173, 2004

A FISCAL ORDINANCE amending the City-County Annual Budget for 2004 (City-County Fiscal Ordinance No. 112, 2003) appropriating an additional One Hundred Thousand Dollars (\$100,000) in the Non-Lapsing Federal Grants Fund for purposes of the Department of Public Works, Policy and Planning Division, and reducing the unappropriated and unencumbered balance in the Non-Lapsing Federal Grants Fund.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1(j) of the City-County Annual Budget for 2004 be, and is hereby amended by the increases and reductions hereinafter stated for purposes of the Department of Public Works, Policy and Planning, to retrofit 37 diesel-powered packer trucks and approximately eight off-road vehicles with diesel oxidation catalysts (DOCs), financed by a grant for the Federal Environmental Protection Agency.

SECTION 2. The sum of One Hundred Thousand Dollars (\$100,000) be, and the same is hereby, appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

DEPARTMENT OF PUBLIC WORKS

POLICY AND PLANNING

3. Other Services and Charges

TOTAL INCREASE

NON-LAPSING FEDERAL GRANTS FUND

100,000

100,000

SECTION 4. The said additional appropriation is funded by the following reductions:

NON-LAPSING FEDERAL GRANTS FUND

Unappropriated and Unencumbered

Non-Lapsing Federal Grants Fund

TOTAL REDUCTION

100,000

100,000

SECTION 5. Except to the extent of matching funds, if any, approved in this ordinance, the council does not intend to use the revenues from any local tax regardless of source to supplement or extend the appropriation for the agencies or projects authorized by this ordinance. The supervisor of the agency or project, or both, and the controller are directed to notify in writing the city-county council immediately upon receipt of any information that the agency or project is, or may be, reduced or eliminated.

SECTION 6. This appropriation shall be in addition to all appropriations provided for in the regular budget and levy, and shall continue in effect until the completion of the program described in section 1 above.

SECTION 7. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

**SPECIAL ORDERS - UNFINISHED BUSINESS – PUBLIC HEARING**

PROPOSAL NO. 562, 2004. The proposal, sponsored by Councillor Talley, is a rezoning ordinance for Warren Township, Councilmanic District 21, 10601 East 10th Street (approximate address) (2004-ZON-062).

President Boyd stated that Councillor Langsford called the proposal out for a public hearing on September 13, 2004, and this hearing was postponed on October 4, 2004 until tonight's meeting. He said that in order to overturn the Metropolitan Development Commission's approval of a variance, a two-thirds majority vote of the Council is needed.

Councillor Langsford stated that the neighbors believe this is not the best use for this land. She said that the property is currently zoned commercial and there are nine apartment complexes in the vicinity already with high vacancy rates. She encouraged Councillors to listen and keep an open mind.

Joseph Calderon, attorney for the petitioner, stated that he has been handling zoning cases for 15 years, and this is the only time he has had one called by the Council for public hearing. He said that the petitioner has taken all steps possible to work closely with the neighbors and meet their needs, but still they oppose the project. He said that the Warren Township Development Association (WTDA) took a neutral stand on the project, and the Far Eastside Neighborhood Association (FENA) asked the petitioner to incorporate a water feature in the pond. The principle

remonstrator is the Cemetery Association. The petitioner has great respect for the cemetery and has made several commitments to insure that the project does not disrupt the resting place, such as no entries, balconies, patios, or activities on the east side of the property, shifting the playground and pool to the middle of the complex to be screened by buildings, and a double set-back flanked by trees. He said that the staff has supported this land use and the Metropolitan Development Commission (MDC) supported the variance by a vote of 8-1, with only two remonstrators present at the zoning hearing. He said that the current zoning requires no set-back or trees, yet the petitioner has agreed to these commitments. He said that the petitioner is making a significant \$18 million investment in this project and is a local businessman who live and works here and wants to provide clean, affordable housing, while helping to revitalize this eastside area.

Mike Hebenstreit, attorney for the remonstrators, asked the remonstrators to stand and said that the existing comprehensive land use plan recommends low-density commercial use. This project would build 12 to 15 units per acre, which is three times what is recommended by the comp plan. He said that there is no need for additional apartments in this area, as the vacancy rate is 15% in this part of town. He said that Washington Pointe Drive is a private drive in terrible condition and the project would cause further traffic congestion at Washington Street and 10<sup>th</sup> Street. He said that no neighborhood association has endorsed the project. While WTDA is neutral, Community Alliance of the Far Eastside (CAFÉ) and FENA are opposed to the project.

Bill Birkle, Warren Township Assessor, stated that rent levels for this project are at 15% below market, yet the units are targeted to people who make 60% of the median income. He said that another similar project in the area has a 30% vacancy rate. He added that projects like these do not really produce much tax revenue to the township, because of tax credits. He opposes the project.

Norman Pace, president of FENA, said that this is an extreme change to the comp plan, and the Marion County Alliance of Neighborhood Associations is not pleased with what has been going on with the comprehensive plan. He said that cemeteries have been overlooked in the plan, and it is important to protect them from encroachment. He said that there are no other cemeteries that have high-density apartments on their boundaries, and he has a petition with 500 signatures of neighbors opposing the project.

Jennifer McClone, citizen, stated that there has not been any traffic study done on this small road with exit onto two major streets and there would be some major traffic problems with such a large project.

Doris Anne Crouch, who owns a plot in the cemetery and a home south of this area, stated that student enrollment is already excessive in this area, and this would further exacerbate that problem.

Julie Christensen, representing the current owner of the property, REI Investments, stated that the property owner has sought to develop this property for 15 years. The current zoning would allow a motel to be constructed on this property, which would create higher activity with no commitments needed by the developer for privacy, as the current developer has offered. She said the development would help the tax revenues on this property.

Teresa Jones, citizen, stated that there are low occupancy rates in the surrounding apartment complexes in this area because they are 28-year-old apartments in severe disrepair and are too expensive. She said affordable, clean, safe housing is needed in this area.

Rev. Pinkney stated that there is a great need for redevelopment of housing and hearts and minds need to change from the “haves” not wanting the “have nots” to have anything good. She said that those wanting to keep this development out of the area are trying to keep certain people out of the area, and racism is real.

Joseph Calderon, attorney for the petitioner, stated that this property would share a common property line with the cemetery, but they are offering huge set-backs and screenings which are far better than anything a commercial establishment would offer, which requires no set-back. He said that the Department of Public Works did not ask for a traffic study on this road, and therefore none was performed. He said that despite what the assessor might say, there are apartments very similar to these on German Church Road that are generating property taxes excessively above and beyond any credits.

Tom Herman, president of Herman and Kittle, the developers of the project, stated that they have been in business in the Indianapolis area for 25 years, and the other projects they manage in Indianapolis have over mid-90% occupancy and good management. He said that his research shows that the vacancy rate of apartments in a three-mile radius of this property is only 7%, and the one closest to this property actually is 100% occupied. He added that he would not even be proposing such a project if he did not think there was a need and market for high-quality affordable housing in this area.

Greg Zubek, attorney for the remonstrators, stated that 500 residents is a lot of people and he does not believe there is a need. He said that the assessor testified that he has concerns because of tax credits being sold and the township tax revenues suffering as a result. He said that the Council should listen to the people and deny this petition.

Councillor Franklin asked the remonstrators if they are prepared for a hotel or other commercial establishment to move in without a need for a variance and any opposition. She said that she is familiar with Herman & Kittle’s other properties and there are a lot of children that could get up to things when their parents are not around and disrupt some of the serenity of the cemetery. She added, however, that the biggest issue is that this property has been vacant for 17 years, and revitalization needs to happen in this area.

Councillor Gray asked if this property is so valuable to the cemetery association, why they do not just buy it themselves, instead of opposing every development proposed.

Councillor Speedy said that he will abstain from voting on this issue to avoid the appearance of a conflict of interest because he has an interest in the transaction.

Councillor Abdullah stated that the neighbors have spoken loudly that this is the wrong fit for this property.

Councillor Oliver said that Marion County is losing residents to surrounding counties, because of the slow-down of growth on the east side, and this redevelopment would help to populate and grow this side of town.

Councillor Salisbury said that he has been impressed with arguments from both sides. He said that he has a great interest in cemeteries and genealogy, but the staff at Washington Park East is very professional and he doubts they would allow any vandalism on the property.

Councillor Keller said that he will abstain from voting on this proposal to avoid the appearance of a conflict of interest.

Councillor Nytes said that she does not consider this to be a reasonable transitional use and this is not a logical place for that many apartment units. She said the residents should support other affordable housing on another property.

Councillor Bradford stated that Herman & Kittle has worked tirelessly with neighborhood associations and has great, quality, affordable projects.

Councillor Cockrum said that this is a difficult decision because he has worked with Herman & Kittle, and they are very community-minded. However, Flanner & Buchanan cemeteries and mortuaries are also community-minded. While he can see both sides, he must support the position of the district Councillor.

Councillor Gibson said that he is sympathetic to the neighbors, but this would be a good project for the east side. He would like to see more diversity of neighborhoods, and he believes the quality of the other housing properties contributes to their vacancy rates.

Councillor Borst asked what makes the property unusable for a commercial project, since it has set unoccupied for such a long time. Mr. Calderon said that there is no meaningful frontage for a commercial establishment and it has been marketed as commercial for 15 years with no interest, including from the cemetery. Councillor Borst said that this causes him a dilemma, because the project as proposed seems a lot less intense and disruptive than a commercial establishment would be. He said that although the neighbors think they do not want this development, he is not sure they realize what a commercial development would entail. He said although he thinks the neighbors are being foolish, he will vote to give them what they want.

Councillor Boyd said that he visited the property today in order to seriously assess the situation and make a more informed decision.

Councillor Langsford asked the Council to support the neighbors wishes in denying the project.

President Boyd stated that a “yea” vote will be in favor of the neighbors to overturn the decision of the Metropolitan Development Commission. He explained that according to law, a two-thirds majority vote of the full Council is needed to overturn that decision, and therefore, 18 “yea” votes are needed to deny the variance petition.

The Council failed to overturn the Metropolitan Development Commission’s decision on the following roll call vote; viz:

*17 YEAS: Abdullah, Borst, Boyd, Cockrum, Conley, Day, Franklin, Langsford, Mahern, McWhirter, Nytes, Pfisterer, Plowman, Randolph, Salisbury, Sanders, Talley*  
*9 NAYS: Bowes, Bradford, Brown, Cain, Gibson, Gray, Moriarty Adams, Oliver, Schneider*  
*2 NOT VOTING: Keller, Speedy*  
*1 ABSENT: Mansfield*

Proposal No. 562, 2004, was retitled REZONING ORDINANCE NO. 152, 2004, and is identified as follows:

REZONING ORDINANCE NO. 152, 2004.

10601 EAST 10<sup>TH</sup> STREET (Approximate Address), INDIANAPOLIS

WARREN TOWNSHIP, COUNCILMANIC DISTRICT #21

HERMAN AND KITTLE PROPERTIES, by Joseph Calderon, requests a rezoning of 16.59 acres, being in the C-4 (FF) D-1, and SU-10 Districts, to the D-7 (FF) classification to provide for multi-family residential development.

### **SPECIAL ORDERS - FINAL ADOPTION**

PROPOSAL NO. 569, 2004. Councillor Nytes reported that the Administration and Finance Committee heard Proposal No. 569, 2004 on October 12, 2004. The proposal, sponsored by Councillor Nytes, approves transfers of \$74,700 in the 2004 Budgets of the Department of Executive and Legislative and the Department of Administration for the purpose of paying increased fleet costs and payroll costs associated with a 27<sup>th</sup> biweekly pay period, and also reducing appropriations in other areas in order to increase the Consolidated County Fund balance by a net amount of \$1,630,600. By a 7-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass as amended. Councillor Nytes moved, seconded by Councillor Sanders, for adoption. Proposal No. 569, 2004, as amended, was adopted on the following roll call vote; viz:

*24 YEAS: Abdullah, Borst, Bowes, Boyd, Bradford, Cain, Cockrum, Day, Gibson, Gray, Keller, Mahern, McWhirter, Moriarty Adams, Nytes, Oliver, Pfisterer, Plowman, Randolph, Salisbury, Sanders, Schneider, Speedy, Talley*

*0 NAYS:*

*4 NOT VOTING: Brown, Conley, Franklin, Langsford*

*1 ABSENT: Mansfield*

Proposal No. 569, 2004 was retitled FISCAL ORDINANCE NO. 174, 2004, and reads as follows:

#### **CITY-COUNTY FISCAL ORDINANCE NO. 174, 2004**

A FISCAL ORDINANCE amending the City-County Annual Budget for 2004 (City-County Fiscal Ordinance No. 112, 2003) by transferring and appropriating \$74,700 in the 2004 Budgets of the Department of Executive and Legislative and the Department of Administration for the purpose of paying increased fleet costs and payroll costs associated with a 27<sup>th</sup> biweekly pay period, and also reducing appropriations in other areas in order to increase the Consolidated County fund balance by a net amount of \$1,630,600.

#### **BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:**

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1(a-h) of the City-County Annual Budget for 2004 be, and is hereby amended by transferring and appropriating \$74,700 in the 2004 Budget of the Department of Executive and Legislation and the Department of Administration for the purpose of paying increased fleet costs and payroll costs associated with a 27<sup>th</sup> biweekly pay period, and also reducing appropriations in other areas in order to increase the Consolidated County fund balance by a net amount of \$1,630,600.

SECTION 2. The sum of Seventy Four Thousand Seven Hundred Dollars (\$74,700) be, and the same is hereby, transferred for the purposes as shown in Section 3 by reducing the appropriations and unappropriated balances as shown in Section 4.

SECTION 3. The following increases are hereby approved:

DEPARTMENT OF EXECUTIVE AND LEGISLATIVE  
INTERNAL AUDIT

CONSOLIDATED COUNTY FUND

1. Personal Services	14,700
5. Internal Charges	<u>1,500</u>
TOTAL INCREASE	16,200

PURCHASING

CONSOLIDATED COUNTY FUND

1. Personal Services	<u>20,000</u>
TOTAL INCREASE	20,000

CABLE COMMUNICATIONS AGENCY

CONSOLIDATED COUNTY FUND

1. Personal Services	<u>17,000</u>
TOTAL INCREASE	17,000

DEPARTMENT OF ADMINISTRATION  
HUMAN RESOURCES

CONSOLIDATED COUNTY FUND

5. Internal Charges	<u>1,500</u>
TOTAL INCREASE	1,500

ADMINISTRATIVE SERVICES DIVISION

CONSOLIDATED COUNTY FUND

1. Personal Services	<u>20,000</u>
TOTAL INCREASE	20,000

The following fund balance is hereby increased:

CONSOLIDATED COUNTY FUND

Unappropriated and Unencumbered	
Consolidated County Fund	<u>1,630,600</u>
TOTAL INCREASE	1,630,600

SECTION 4. The said additional appropriation is funded by the following reductions:

DEPARTMENT OF EXECUTIVE AND LEGISLATIVE  
MAYOR'S OFFICE

CONSOLIDATED COUNTY FUND

2. Supplies and Materials	500
3. Other Services and Charges	29,900
4. Capital Outlay	<u>4,000</u>
TOTAL DECREASE	34,400

INTERNAL AUDIT

CONSOLIDATED COUNTY FUND

3. Other Services and Charges	<u>18,200</u>
TOTAL DECREASE	18,200

OFFICE OF CORPORATION COUNSEL

CONSOLIDATED COUNTY FUND

1. Personal Services	10,000
2. Supplies and Materials	2,000
3. Other Services and Charges	109,800
4. Capital Outlay	<u>28,200</u>
TOTAL DECREASE	150,000

OFFICE OF THE CITY CONTROLLER

CONSOLIDATED COUNTY FUND

1. Personal Services	20,000
2. Supplies and Materials	3,000
3. Other Services and Charges	742,550
4. Capital Outlay	15,400
5. Internal Charges	<u>500</u>
TOTAL DECREASE	781,450

PURCHASING

CONSOLIDATED COUNTY FUND

2. Supplies and Materials	1,500
3. Other Services and Charges	14,550
4. Capital Outlay	9,500
5. Internal Charges	<u>200</u>
TOTAL DECREASE	25,750



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<u>CABLE COMMUNICATIONS AGENCY</u>	<u>CONSOLIDATED COUNTY FUND</u>
2. Supplies and Materials	9,950
3. Other Services and Charges	<u>29,600</u>
TOTAL DECREASE	39,550
 <u>DEPARTMENT OF ADMINISTRATION</u>	
<u>ADMINISTRATIVE SERVICES</u>	<u>CONSOLIDATED COUNTY FUND</u>
3. Other Services and Charges	116,300
4. Capital Outlay	<u>6,500</u>
TOTAL DECREASE	122,800
 <u>HUMAN RESOURCES</u>	<u>CONSOLIDATED COUNTY FUND</u>
1. Personal Services	15,000
2. Supplies and Materials	4,700
3. Other Services and Charges	59,200
4. Capital Outlay	<u>3,300</u>
TOTAL DECREASE	82,200
 <u>EQUAL OPPORTUNITY</u>	<u>CONSOLIDATED COUNTY FUND</u>
1. Personal Services	10,000
3. Other Services and Charges	7,150
4. Capital Outlay	<u>2,000</u>
TOTAL DECREASE	19,150
 <u>FLEET SERVICES</u>	<u>CONSOLIDATED COUNTY FUND</u>
3. Other Services and Charges	306,300
4. Capital Outlay	<u>125,500</u>
TOTAL DECREASE	431,800
 TOTAL DECREASES	\$1,684,750

SECTION 5. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 575, 2004. Councillor Talley reported that the Metropolitan Development Committee heard Proposal No. 575, 2004 on October 11, 2004. The proposal, sponsored by Councillor Talley, reduces appropriations in the 2004 Budget of the Department of Metropolitan Development by \$633,260 for the purpose of increasing the fund balances of the Consolidated County, City Cumulative Capital Development, Transportation General and Redevelopment General Funds. By a 5-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Talley moved, seconded by Councillor Borst, for adoption. Proposal No. 575, 2004 was adopted on the following roll call vote; viz:

27 YEAS: *Abduallah, Borst, Bowes, Boyd, Bradford, Cain, Cockrum, Conley, Day, Franklin, Gibson, Gray, Keller, Langsford, Mahern, McWhirter, Moriarty Adams, Nytes, Oliver, Pfisterer, Plowman, Randolph, Salisbury, Sanders, Schneider, Speedy, Talley*  
0 NAYS:  
1 NOT VOTING: *Brown*  
1 ABSENT: *Mansfield*

Proposal No. 575, 2004 was retitled FISCAL ORDINANCE NO. 175, 2004, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 175, 2004

A FISCAL ORDINANCE amending the City-County Annual Budget for 2004 (City-County Fiscal Ordinance No. 112, 2003) by reducing the 2004 Budget of the Department of Metropolitan Development in the amount of Six Hundred Thirty Three Thousand Two Hundred Sixty dollars (\$633,260) for the purpose of increasing the fund balances of the Consolidated County, City Cumulative Capital Development, Transportation General and Redevelopment General funds.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for a reduction of expenditures, the necessity for which has arisen since the adoption of the annual budget, Section 1(i) of the City-County Annual Budget for 2004 be, and is hereby amended by the reductions hereinafter stated for the purposes of reducing the budget of the Department of Metropolitan Development and increasing the fund balances of the Consolidated County, City Cumulative Capital Development, Transportation General and Redevelopment General funds.

SECTION 2. The sum of Six Hundred Thirty Three Thousand Two Hundred Sixty dollars (\$633,260) be, and the same is hereby, transferred for the purposes as shown in Section 3 by reducing the accounts shown in Section 4.

SECTION 3. The following fund balances are increased:

	<u>CONSOLIDATED COUNTY FUND</u>
Unappropriated and Unencumbered	
Consolidated County Fund	<u>531,680</u>
TOTAL INCREASE	531,680
	<u>CITY CUMULATIVE CAPITAL DEVELOPMENT FUND</u>
Unappropriated and Unencumbered	
City Cumulative Capital Development Fund	<u>50,000</u>
TOTAL INCREASE	50,000
	<u>REDEVELOPMENT GENERAL FUND</u>
Unappropriated and Unencumbered	
Redevelopment General Fund	<u>31,800</u>
TOTAL INCREASE	31,800
	<u>TRANSPORTATION GENERAL FUND</u>
Unappropriated and Unencumbered	
Transportation General Fund	<u>19,780</u>
TOTAL INCREASE	19,780

SECTION 4. The said additional appropriation is funded by the following reductions:

<u>DEPARTMENT OF METROPOLITAN DEVELOPMENT</u>	
<u>ADMINISTRATION DIVISION</u>	<u>CONSOLIDATED COUNTY FUND</u>
2. Supplies and Materials	2,200
3. Other Services and Charges	31,900
4. Capital Outlay	<u>7,800</u>
TOTAL DECREASE	41,900
<u>ADMINISTRATION DIVISION</u>	<u>CITY CUMULATIVE CAPITAL DEVELOPMENT FUND</u>
3. Other Services and Charges	<u>50,000</u>
TOTAL DECREASE	50,000
<u>ADMINISTRATION DIVISION</u>	<u>REDEVELOPMENT GENERAL FUND</u>
2. Supplies and Materials	2,500
3. Other Services and Charges	23,000
4. Capital Outlay	<u>5,600</u>
TOTAL DECREASE	31,100
<u>COMMUNITY DEVELOPMENT DIVISION</u>	<u>CONSOLIDATED COUNTY FUND</u>
3. Other Services and Charges	213,400
4. Capital Outlay	<u>5,000</u>
TOTAL DECREASE	218,400
<u>COMMUNITY DEVELOPMENT DIVISION</u>	<u>REDEVELOPMENT GENERAL FUND</u>
3. Other Services and Charges	<u>700</u>
TOTAL DECREASE	700

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<u>HISTORIC PRESERVATION DIVISION</u>	<u>CONSOLIDATED COUNTY FUND</u>
3. Other Services and Charges	2,500
4. Capital Outlay	<u>1,180</u>
TOTAL DECREASE	3,680
<u>NEIGHBORHOOD SERVICES DIVISION</u>	<u>CONSOLIDATED COUNTY FUND</u>
2. Supplies and Materials	2,700
3. Other Services and Charges	11,500
4. Capital Outlay	<u>500</u>
TOTAL DECREASE	14,700
<u>PLANNING DIVISION</u>	<u>CONSOLIDATED COUNTY FUND</u>
2. Supplies and Materials	2,000
3. Other Services and Charges	61,300
4. Capital Outlay	<u>14,700</u>
TOTAL DECREASE	78,000
<u>PLANNING DIVISION</u>	<u>TRANSPORTATION GENERAL FUND</u>
3. Other Services and Charges	17,700
4. Capital Outlay	<u>2,080</u>
TOTAL DECREASE	19,780
<u>COMPLIANCE DIVISION</u>	<u>CONSOLIDATED COUNTY FUND</u>
3. Other Services and Charges	<u>175,000</u>
TOTAL DECREASE	175,000

SECTION 5. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 577, 2004. Councillor Gray reported that the Parks and Recreation Committee heard Proposal No. 577, 2004 on October 7, 2004. The proposal, sponsored by Councillor Gray, approves a transfer \$230,000 in the 2004 Budget of the Department of Parks and Recreation (Park General Fund) to cover increased payroll costs associated with a 27th bi-weekly pay period, and also reduces other appropriations to increase the fund balance of the Park General Fund by \$174,190. By a 7-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Gray moved, seconded by Councillor Cockrum, for adoption. Proposal No. 577, 2004 was adopted on the following roll call vote; viz:

28 YEAS: *Abdullah, Borst, Bowes, Boyd, Bradford, Brown, Cain, Cockrum, Conley, Day, Franklin, Gibson, Gray, Keller, Langsford, Mahern, McWhirter, Moriarty Adams, Nytes, Oliver, Pfisterer, Plowman, Randolph, Salisbury, Sanders, Schneider, Speedy, Talley*  
0 NAYS:  
1 ABSENT: *Mansfield*

Proposal No. 577, 2004 was retitled FISCAL ORDINANCE NO. 176, 2004, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 176, 2004

A FISCAL ORDINANCE amending the City-County Annual Budget for 2004 (City-County Fiscal Ordinance No. 112, 2003) by transferring and appropriating \$230,000 in the 2004 Budget of the Department of Parks and Recreation (Park General Fund) to cover increased payroll costs associated with a 27<sup>th</sup> bi-weekly pay period, and also reducing other appropriations to increase the fund balance of the Park General Fund by \$174,190.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1(l) of the City-County Annual Budget for 2004 be, and is hereby amended by transferring and appropriating \$230,000 in the 2004 Budget of the Department of Parks and Recreation

(Park General Fund) to cover increased payroll costs associated with a 27<sup>th</sup> biweekly pay period, and also reducing other appropriations to increase the fund balance of the Park General Fund by \$174,190.

SECTION 2. The sum of Two Hundred Thirty Thousand (\$230,000) be, and the same is hereby, transferred for the purposes as shown in Section 3 by reducing the appropriations and unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriations are hereby approved:

<u>DEPARTMENT OF PARKS AND RECREATION</u>	<u>PARK GENERAL FUND</u>
1. Personal Services	<u>230,000</u>
TOTAL INCREASE	230,000

The following fund balance is hereby increased:

	<u>PARK GENERAL FUND</u>
Unappropriated and Unencumbered	
Park General Fund	<u>174,190</u>
TOTAL INCREASE	174,190

SECTION 4. The said additional appropriation is funded by the following reductions:

<u>DEPARTMENT OF PARKS AND RECREATION</u>	<u>PARK GENERAL FUND</u>
2. Supplies and Materials	45,000
3. Other Services and Charges	68,000
4. Capital Outlay	<u>291,190</u>
TOTAL DECREASE	404,190

SECTION 5. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Councillor Moriarty Adams reported that the Public Safety and Criminal Justice Committee heard Proposal Nos. 579, 582, 583, and 585, 2004 on October 6, 2004. She asked for consent to vote on these proposals together. Consent was given.

PROPOSAL NO. 579, 2004. The proposal, sponsored by Councillor Moriarty Adams, approves a transfer of \$20,500 and other reductions totaling \$353,000 in the 2004 Budget of the Department of Public Safety to cover increased payroll costs associated with a 27th bi-weekly pay period, additional vehicle lease costs, and to increase the fund balance in the Consolidated County and City Cumulative Capital Development Funds. PROPOSAL NO. 582, 2004. The proposal, sponsored by Councillor Borst, approves a transfer of \$1,186 in the 2004 Budget of the Marion Superior Court (State and Federal Grants Fund) to transfer Character 02 money to Character 04 to purchase a printer for Access Program. PROPOSAL NO. 583, 2004. The proposal, sponsored by Councillor Borst, approves a transfer of \$2,181 in the 2004 Budget of the Marion Superior Court (State and Federal Grants Fund) to transfer fringes money to regular salaries, due to excess fringes. PROPOSAL NO. 585, 2004. The proposal, sponsored by Councillor Borst, approves a transfer of \$400,000 in the 2004 Budget of the Marion Superior Court (County General Fund) to transfer Character 01 money to Characters 02 and 03, to fund food at the Juvenile Center and to fund expenses for the remainder of the year for jurors, psychological evaluations and interpreters. By 6-0 votes, the Committee reported the proposals to the Council with the recommendation that they do pass. Councillor Moriarty Adams moved, seconded by Councillor Borst, for adoption. Proposal Nos. 579, 582, 583, and 585, 2004 were adopted on the following roll call vote; viz:

*28 YEAS: Abdullallah, Borst, Bowes, Boyd, Bradford, Brown, Cain, Cockrum, Conley, Day, Franklin, Gibson, Gray, Keller, Langsford, Mahern, McWhirter, Moriarty Adams, Nytes, Oliver, Pfisterer, Plowman, Randolph, Salisbury, Sanders, Schneider, Speedy, Talley*

*0 NAYS:*

*1 ABSENT: Mansfield*

Proposal No. 579, 2004 was retitled FISCAL ORDINANCE NO. 177, 2004, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 177, 2004

A FISCAL ORDINANCE amending the City-County Annual Budget for 2004 (City-County Fiscal Ordinance No. 112, 2003) by transferring and appropriating \$20,500 to cover increased payroll costs associated with a 27<sup>th</sup> bi-weekly pay period and reducing the 2004 Budget of the Department of Public Safety by \$353,000 to increase the fund balance in the Consolidated County and City Cumulative Capital Development funds.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1(k) of the City-County Annual Budget for 2004 be, and is hereby amended by transferring and appropriating \$20,500 to cover vehicle lease payments and increased payroll costs associated with a 27<sup>th</sup> biweekly pay period, and reducing the 2004 Budget of the Department of Public Safety by \$353,000 to increase the fund balance in the Consolidated County and City Cumulative Capital Development funds.

SECTION 2. The sum of Twenty Thousand Five Hundred Dollars (\$20,500) be, and the same is hereby, transferred for the purposes as shown in Section 3 by reducing the appropriations and unappropriated balances as shown in Section 4.

SECTION 3. The following increases are hereby approved:

<u>DEPARTMENT OF PUBLIC SAFETY</u>	
<u>WEIGHTS AND MEASURES DIVISION</u>	<u>CONSOLIDATED COUNTY FUND</u>
1. Personal Services	<u>12,000</u>
TOTAL INCREASE	12,000
<u>DEPARTMENT OF PUBLIC SAFETY</u>	
<u>EMERGENCY MANAGEMENT PLANNING DIVISION</u>	<u>CONSOLIDATED COUNTY FUND</u>
4. Capital Outlay	<u>8,500</u>
TOTAL INCREASE	8,500

The following fund balances are hereby increased:

	<u>CONSOLIDATED COUNTY FUND</u>
Unappropriated and Unencumbered	
Consolidated County Fund	<u>153,000</u>
TOTAL INCREASE	153,000
	<u>CITY CUMULATIVE CAPITAL DEVELOPMENT FUND</u>
Unappropriated and Unencumbered	
City Cumulative Capital Development Fund	<u>200,000</u>
TOTAL INCREASE	200,000

SECTION 4. The said additional appropriation is funded by the following reductions:

<u>DEPARTMENT OF PUBLIC SAFETY</u>	
<u>DIRECTOR'S OFFICE</u>	<u>CONSOLIDATED COUNTY FUND</u>
2. Supplies and Materials	1,000
3. Other Services and Charges	46,000
4. Capital Outlay	<u>5,400</u>
TOTAL DECREASE	52,400
<u>Emergency Management Division</u>	<u>CONSOLIDATED COUNTY FUND</u>
1. Personal Services	35,400
3. Other Services and Charges	<u>4,000</u>
TOTAL DECREASE	39,400

<u>WEIGHTS AND MEASURES DIVISION</u>	<u>CONSOLIDATED COUNTY FUND</u>
2. Supplies and Materials	700
3. Other Services and Charges	<u>6,500</u>
TOTAL DECREASE	7,200
<u>ANIMAL CARE AND CONTROL DIVISION</u>	<u>CONSOLIDATED COUNTY FUND</u>
1. Personal Services	65,000
3. Other Services and Charges	<u>9,500</u>
TOTAL DECREASE	74,500
<u>FIRE DIVISION</u>	<u>CITY CUMULATIVE CAPITAL DEVELOPMENT FUND</u>
4. Capital Outlay	<u>200,000</u>
TOTAL DECREASE	200,000

SECTION 5. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 582, 2004 was retitled FISCAL ORDINANCE NO. 178, 2004, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 178, 2004

A FISCAL ORDINANCE amending the City-County Annual Budget for 2004 (City-County Fiscal Ordinance No.114, 2003) transferring and appropriating an additional One Thousand One Hundred Eighty-six Dollars (\$1,186) in the State and Federal Grants Fund for purposes of the Marion Superior Court and reducing certain other appropriations from that agency.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1(d) of the City-County Annual Budget for 2004 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes Marion Superior Court, to transfer Character 02 money to Character 04 to purchase a printer for Access Program.

SECTION 2. The sum of additional One Thousand One Hundred Eighty-six Dollars (\$1,186) be, and the same is hereby, transferred for the purposes as shown in Section 3 by reducing the accounts as shown in Section 4.

SECTION 3. The following increased appropriation is hereby approved:

<u>MARION SUPERIOR COURT</u>	<u>STATE AND FEDERAL GRANTS FUND</u>
4. Capital Outlay	<u>1,186</u>
TOTAL INCREASE	1,186

SECTION 4. The said increased appropriation is funded by the following reductions:

<u>MARION SUPERIOR COURT</u>	<u>STATE AND FEDERAL GRANTS FUND</u>
2. Supplies	<u>1,186</u>
TOTAL DECREASE	1,186

SECTION 5. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 583, 2004 was retitled FISCAL ORDINANCE NO. 179, 2004, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 179, 2004

A FISCAL ORDINANCE amending the City-County Annual Budget for 2004 (City-County Fiscal Ordinance No. 114, 2003) transferring and appropriating an additional Two Thousand One Hundred Eighty-one Dollars (\$2,181) in the State and Federal Grants Fund for purposes of the Marion Superior Court and reducing certain other appropriations from that agency.

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BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1(d) of the City-County Annual Budget for 2004 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes Marion Superior Court, to transfer Character 01 fringe money to Character 01 salary money due to excess fringes.

SECTION 2. The sum of additional Two Thousand One Hundred Eighty-one Dollars (\$2,181) be, and the same is hereby, transferred for the purposes as shown in Section 3 by reducing the accounts as shown in Section 4.

SECTION 3. The following increased appropriation is hereby approved:

<u>MARION SUPERIOR COURT</u>	<u>STATE AND FEDERAL GRANTS FUND</u>
1. Personal Services	<u>2,181</u>
TOTAL INCREASE	2,181

SECTION 4. The said increased appropriation is funded by the following reductions:

<u>MARION SUPERIOR COURT</u>	<u>STATE AND FEDERAL GRANTS FUND</u>
1. Personal Services-fringes	<u>2,181</u>
TOTAL DECREASE	2,181

SECTION 5. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 585, 2004 was retitled FISCAL ORDINANCE NO. 180, 2004, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 180, 2004

A FISCAL ORDINANCE amending the City-County Annual Budget for 2004 (City-County Fiscal Ordinance No. 114, 2003) transferring and appropriating an additional Four Hundred Thousand (\$400,000) in the County General Fund for purposes of the Marion Superior Court and reducing certain other appropriations from that agency.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1(d) of the City-County Annual Budget for 2004 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Marion Superior Court, to transfer Character 01 money to Characters 02 and 03, to fund food at the Juvenile Center and to fund expenses for the remainder of the year for jurors, psychological evaluations and interpreters.

The sum of additional Four Hundred Thousand (\$400,000) be, and the same is hereby, transferred for the purposes as shown in Section 3 by reducing the accounts as shown in Section 4.

SECTION 3. The following increased appropriation is hereby approved:

<u>MARION SUPERIOR COURT</u>	<u>COUNTY GENERAL FUND</u>
2. Supplies	50,000
3. Other Services and Charges	<u>350,000</u>
TOTAL INCREASE	400,000

SECTION 4. The said increased appropriation is funded by the following reductions:

<u>MARION SUPERIOR COURT</u>	<u>COUNTY GENERAL FUND</u>
1. Personal Services	<u>400,000</u>
TOTAL DECREASE	400,000

SECTION 5. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 590, 2004. Councillor Conley reported that the Public Works Committee heard Proposal No. 590, 2004 on October 14, 2004. The proposal, sponsored by Councillor Conley, approves a transfer of \$375,000 in the 2004 Budget of the Department of Public Works (Transportation General Fund) to cover increased overtime caused by weather events, and payroll costs associated with a 27th bi-weekly pay period, and reduces the budget by \$620,850 in order to increase the fund balances of the Consolidated County, Parking Meter and Sanitation Liquid Waste Funds. By a 5-1 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

Councillor Bradford said that he voted against Proposal Nos. 590 and 591, 2004 because he believes this action may force the department to cut vital services.

Councillor Conley moved, seconded by Councillor Talley, for adoption. Proposal No. 590, 2004 was adopted on the following roll call vote; viz:

*24 YEAS: Abdullah, Borst, Bowes, Boyd, Brown, Cockrum, Conley, Day, Franklin, Gibson, Gray, Keller, Langsford, Mahern, McWhirter, Moriarty Adams, Nytes, Oliver, Pfisterer, Plowman, Randolph, Sanders, Speedy, Talley*  
*4 NAYS: Bradford, Cain, Salisbury, Schneider*  
*1 ABSENT: Mansfield*

Proposal No. 590, 2004 was retitled FISCAL ORDINANCE NO. 181, 2004, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 181, 2004

A FISCAL ORDINANCE amending the City-County Annual Budget for 2004 (City-County Fiscal Ordinance No. 112, 2003) by transferring and appropriating \$375,000 in the 2004 Budget of the Department of Public Works (Transportation General Fund) to cover increased overtime caused by weather events and payroll costs associated with a 27<sup>th</sup> bi-weekly pay period, and by reducing the budget by \$620,850 in order to increase the fund balance of the Consolidated County, Parking Meter and Sanitation Liquid Waste funds.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1(a-h) of the City-County Annual Budget for 2004 be, and is hereby amended by transferring and appropriating \$375,000 in the 2004 Budget of the Department of Public Works (Transportation General Fund) to cover increased overtime caused by weather events and payroll costs associated with a 27<sup>th</sup> bi-weekly pay period, and by reducing the budget by \$620,850 in order to increase the fund balance of the Consolidated County, Parking Meter and Sanitation Liquid Waste Funds.

SECTION 2. The sum of Three Hundred Seventy Five Thousand Dollars (\$375,000) be, and the same is hereby, transferred for the purposes as shown in Section 3 by reducing the appropriations and unappropriated balances as shown in Section 4.

SECTION 3. The following increases are hereby approved:

DEPARTMENT OF PUBLIC WORKS  
OPERATIONS DIVISION  
1. Personal Services  
TOTAL INCREASE

TRANSPORTATION GENERAL FUND  
375,000  
375,000



October 25, 2004

The following fund balances are hereby increased:

	<u>CONSOLIDATED COUNTY FUND</u>
Unappropriated and Unencumbered	
Consolidated County Fund	<u>359,150</u>
TOTAL INCREASE	359,150

	<u>PARKING METER FUND</u>
Unappropriated and Unencumbered	
Parking Meter Fund	<u>20,000</u>
TOTAL INCREASE	20,000

	<u>SANITATION LIQUID WASTE FUND</u>
Unappropriated and Unencumbered	
Sanitation Liquid Waste Fund	<u>241,700</u>
TOTAL INCREASE	241,700

SECTION 4. The said additional appropriation is funded by the following reductions:

DEPARTMENT OF PUBLIC WORKS	
<u>OPERATIONS DIVISION</u>	<u>TRANSPORTATION GENERAL FUND</u>
3. Other Services and Charges	<u>345,000</u>
4. Capital Outlay	<u>30,000</u>
TOTAL DECREASE	375,000

<u>OPERATIONS DIVISION</u>	<u>CONSOLIDATED COUNTY FUND</u>
3. Other Services and Charges	<u>265,000</u>
TOTAL DECREASE	265,000

<u>OPERATIONS DIVISION</u>	<u>SANITATION LIQUID WASTE FUND</u>
3. Other Services and Charges	<u>235,000</u>
TOTAL DECREASE	235,000

<u>OPERATIONS DIVISION</u>	<u>PARKING METER FUND</u>
2. Supplies and Materials	<u>20,000</u>
TOTAL DECREASE	20,000

<u>ENGINEERING DIVISION</u>	<u>CONSOLIDATED COUNTY FUND</u>
2. Supplies and Materials	<u>3,000</u>
3. Other Services and Charges	<u>18,300</u>
4. Capital Outlay	<u>1,000</u>
TOTAL DECREASE	22,300

<u>POLICY AND PLANNING DIVISION</u>	<u>CONSOLIDATED COUNTY FUND</u>
2. Supplies and Materials	<u>6,400</u>
3. Other Services and Charges	<u>20,850</u>
4. Capital Outlay	<u>44,600</u>
TOTAL DECREASE	71,850

<u>POLICY AND PLANNING DIVISION</u>	<u>SANITATION LIQUID WASTE FUND</u>
2. Supplies and Materials	<u>1,000</u>
3. Other Services and Charges	<u>3,700</u>
4. Capital Outlay	<u>2,000</u>
TOTAL DECREASE	6,700

SECTION 5. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 592, 2004. Councillor Conley reported that the Public Works Committee heard Proposal No. 592, 2004 on October 14, 2004. The proposal, sponsored by Councillor Mahern, authorizes a one-way eastbound traffic restriction for Merrill Street from East Street to Virginia Avenue (District 19). By a 6-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Conley moved, seconded by Councillor Mahern, for adoption. Proposal No. 592, 2004 was adopted on the following roll call vote; viz:

28 YEAS: *Abduallah, Borst, Bowes, Boyd, Bradford, Brown, Cain, Cockrum, Conley, Day, Franklin, Gibson, Gray, Keller, Langsford, Mahern, McWhirter, Moriarty Adams, Nytes, Oliver, Pfisterer, Plowman, Randolph, Salisbury, Sanders, Schneider, Speedy, Talley*

0 NAYS:

1 ABSENT: *Mansfield*

Proposal No. 592, 2004 was retitled GENERAL ORDINANCE NO. 111, 2004, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 111, 2004

A GENERAL ORDINANCE amending the "Revised Code of the Consolidated City and County," Sec. 441-342, One-way streets and alleys designated.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The "Revised Code of the Consolidated City and County," specifically, Sec. 441-342, One-way streets and alleys designated, be and the same is hereby amended by the addition of the following, to wit:

EASTBOUND

Merrill Street, from East Street to Virginia Avenue

SECTION 2. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

**SPECIAL SERVICE DISTRICT COUNCILS  
FIRE SPECIAL SERVICE DISTRICT  
SPECIAL ORDERS - PUBLIC HEARING**

The President convened the Fire Special Service District Council.

PROPOSAL NO. 580, 2004. Councillor Moriarty Adams reported that the Public Safety and Criminal Justice Committee heard Proposal No. 580, 2004 on October 6, 2004. The proposal, sponsored by Councillor Moriarty Adams, approves a decrease of \$1,475,817 in the 2004 Budget of the Department of Public Safety, Fire Division and Fire Pension Division, for the purpose of increasing the fund balance in the Fire General and Fire Pension Funds. By a 6-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

Councillor Pfisterer said that she will abstain from voting to avoid the appearance of a conflict of interest.

President Boyd called for public testimony at 11:06 p.m. There being no one present to testify, Councillor Moriarty Adams moved, seconded by Councillor Talley, for adoption. Proposal No. 580, 2004 was adopted on the following roll call vote; viz:

27 YEAS: *Abduallah, Borst, Bowes, Boyd, Bradford, Brown, Cain, Cockrum, Conley, Day, Franklin, Gibson, Gray, Keller, Langsford, Mahern, McWhirter, Moriarty Adams, Nytes, Oliver, Plowman, Randolph, Salisbury, Sanders, Schneider, Speedy, Talley*

0 NAYS:

1 NOT VOTING: *Pfisterer*

1 ABSENT: *Mansfield*

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Proposal No. 580, 2004 was retitled FIRE SPECIAL SERVICE DISTRICT FISCAL ORDINANCE NO. 3, 2004, and reads as follows:

CITY-COUNTY FIRE SPECIAL SERVICE DISTRICT FISCAL ORDINANCE NO. 3, 2004

A FISCAL ORDINANCE amending the City-County Fire Special Service District Annual Budget for 2004 (City-County Fire Special Service District Fiscal Ordinance No. 7, 2003) reducing appropriations by One Million Four Hundred Seventy Five Thousand Eight Hundred Seventeen Dollars (\$1,475,817) in the Fire General and Fire Pension Funds for the Department of Public Safety, for the purposes of increasing the fund balances in the Fire General and Fire Pension Funds.

BE IT ORDAINED BY THE FIRE SPECIAL SERVICE DISTRICT COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1 of the City-County Fire Special Service District Annual Budget for 2004 be, and is hereby amended by reducing the 2004 budget of the Fire Division, in order to increase the fund balance in the Fire General and Fire Pension funds.

SECTION 2. The sum of One Million Four Hundred Seventy Five Thousand Eight Hundred Seventeen Dollars (\$1,475,817) be, and the same is hereby transferred for the purposes as shown in Section 3 by reducing the accounts as shown in Section 4.

SECTION 3. The following increases are hereby approved:

	<u>FIRE GENERAL FUND</u>
Unappropriated and Unencumbered	
Fire General Fund	<u>475,817</u>
TOTAL INCREASE	475,817

	<u>FIRE PENSION FUND</u>
Unappropriated and Unencumbered	
Fire Pension Fund	<u>1,000,000</u>
TOTAL INCREASE	1,000,000

SECTION 4. The said additional appropriation is funded by the following reductions:

<u>DEPARTMENT OF PUBLIC SAFETY</u> <u>FIRE PENSION DIVISION</u>	<u>FIRE PENSION FUND</u>
1. Personal Services	<u>1,000,000</u>
TOTAL DECREASE	1,000,000

<u>DEPARTMENT OF PUBLIC SAFETY</u> <u>FIRE DIVISION</u>	<u>FIRE GENERAL FUND</u>
3. Other Services and Charges	196,135
4. Capital Outlay	<u>279,682</u>
TOTAL DECREASE	475,817

SECTION 5. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

**SOLID WASTE COLLECTION SPECIAL SERVICE DISTRICT  
SPECIAL ORDERS - PUBLIC HEARING**

The President convened the Solid Waste Collection Special Service District Council.

PROPOSAL NO. 588, 2004. Councillor Conley reported that the Public Works Committee heard Proposal No. 588, 2004 on October 14, 2004. The proposal, sponsored by Councillors Conley and Keller, approves an increase of \$10,000 in the 2004 Budget of the Department of Public Works, Policy and Planning Division (Solid Waste Collection Fund), to fund the collection, recycling, and proper disposal of computer equipment, financed by a private grant from Dell, Inc.

By a 6-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

President Boyd called for public testimony at 11:09 p.m. There being no one present to testify, Councillor Conley moved, seconded by Councillor Keller, for adoption. Proposal No. 588, 2004 was adopted on the following roll call vote; viz:

28 YEAS: *Abduallah, Borst, Bowes, Boyd, Bradford, Brown, Cain, Cockrum, Conley, Day, Franklin, Gibson, Gray, Keller, Langsford, Mahern, McWhirter, Moriarty Adams, Nytes, Oliver, Pfisterer, Plowman, Randolph, Salisbury, Sanders, Schneider, Speedy, Talley*

0 NAYS:

1 ABSENT: *Mansfield*

Proposal No. 588, 2004 was retitled SOLID WASTE COLLECTION SPECIAL SERVICE DISTRICT FISCAL ORDINANCE NO. 3, 2004, and reads as follows:

CITY-COUNTY SOLID WASTE COLLECTION SPECIAL SERVICE DISTRICT  
FISCAL ORDINANCE NO. 3, 2004

A SOLID WASTE COLLECTION SPECIAL SERVICE DISTRICT FISCAL ORDINANCE amending the Solid Waste Collection Special Service District Annual Budget for 2004 (Solid Waste Collection Special Service District Fiscal Ordinance No. 2, 2003) appropriating an additional Ten Thousand Dollars (\$10,000) in the Solid Waste Collection Fund for purposes of the Department of Public Works, Policy and Planning Division, and reducing the unappropriated and unencumbered balance in the Solid Waste Collection Fund.

BE IT ORDAINED BY THE SOLID WASTE COLLECTION SPECIAL SERVICE DISTRICT  
COUNCIL OF THE CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1 of the Solid Waste Collection Special Service District Annual Budget for 2004 be, and is hereby amended by the increases and reductions hereinafter stated for purposes of Department of Public Works, Policy and Planning Division, to fund the collection, recycling, and proper disposal of computer equipment, financed by a private grant from Dell, Inc.

SECTION 2. The sum of Ten Thousand Dollars (\$10,000) be, and the same is hereby, appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

DEPARTMENT OF PUBLIC WORKS  
POLICY AND PLANNING DIVISION

3. Other Services and Charges  
TOTAL INCREASE

SOLID WASTE COLLECTION FUND  
10,000  
10,000

SECTION 4. The said additional appropriation is funded by the following reductions:

	<u>SOLID WASTE COLLECTION FUND</u>
Unappropriated and Unencumbered	
Solid Waste Collection Fund	<u>10,000</u>
TOTAL REDUCTION	10,000

SECTION 5. The projected December 31, 2004, fund balance for the Solid Waste Collection Fund is as follows:

Cash balance as of June 30, 2004	13,345,146
2004 2nd Half Revenues, including this grant	<u>12,963,282</u>
Projected funds available	26,508,428

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2004 remaining appropriations	18,846,587
Proposed additional appropriation (This proposal)	<u>10,000</u>
Total Requirements	18,856,587
<b>Projected fund balance December 31, 2004</b>	<b>7,651,841</b>

SECTION 6. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

### SPECIAL ORDERS – FINAL ADOPTION

PROPOSAL NO. 574, 2004. Councillor Talley reported that the Metropolitan Development Committee heard Proposal No. 574, 2004 on October 11, 2004. The proposal, sponsored by Councillor Talley, approves a decrease of \$352,523 in the 2004 Budget of the Department of Metropolitan Development, Community Development Division, for the purpose of increasing the fund balance in the Solid Waste Collection Fund. By a 5-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Talley moved, seconded by Councillor Nytes, for adoption. Proposal No. 574, 2004 was adopted on the following roll call vote; viz:

*28 YEAS: Abdullah, Borst, Bowes, Boyd, Bradford, Brown, Cain, Cockrum, Conley, Day, Franklin, Gibson, Gray, Keller, Langsford, Mahern, McWhirter, Moriarty Adams, Nytes, Oliver, Pfisterer, Plowman, Randolph, Salisbury, Sanders, Schneider, Speedy, Talley*

*0 NAYS:*

*1 ABSENT: Mansfield*

Proposal No. 574, 2004 was retitled SOLID WASTE COLLECTION SPECIAL SERVICE DISTRICT FISCAL ORDINANCE NO. 4, 2004, and reads as follows:

#### CITY-COUNTY SOLID WASTE COLLECTION SPECIAL SERVICE DISTRICT FISCAL ORDINANCE NO. 4, 2004

A FISCAL ORDINANCE amending the City-County Annual Budget for 2004 Solid Waste Collection Special Service District (Fiscal Ordinance No. 2, 2003) reducing appropriations by Three Hundred Fifty Two Thousand Five Hundred Twenty Three Dollars (\$352,523) for the Department of Metropolitan Development, Community Development Division, for the purposes of increasing the fund balance in the Solid Waste Collection Fund.

#### BE IT ORDAINED BY THE SOLID WASTE COLLECTION SPECIAL SERVICE DISTRICT COUNCIL OF THE CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for reductions, the necessity for which has arisen since the adoption of the annual budget, Section 1 of the Solid Waste Collection Special Service District Annual Budget for 2004 be, and is hereby amended by the increases and reductions hereinafter stated for the purpose of reducing the 2004 budget of the Department of Metropolitan Development, Community Development Division, in order to increase the fund balance of the Solid Waste Collection Fund.

SECTION 2. The sum of Three Hundred Fifty Two Thousand Five Hundred Twenty Three Dollars (\$352,523) be, and the same is hereby, transferred for the purposes as shown in Section 3 by reducing the accounts as shown in Section 4.

SECTION 3. The following increase is hereby approved:

Unappropriated and Unencumbered	<u>SOLID WASTE COLLECTION FUND</u>
Solid Waste Collection Fund	<u>352,523</u>
TOTAL INCREASE	352,523

SECTION 4. The said additional appropriation is funded by the following reduction:

<u>DEPARTMENT OF METROPOLITAN DEVELOPMENT</u>	
<u>COMMUNITY DEVELOPMENT DIVISION</u>	<u>SOLID WASTE COLLECTION FUND</u>
3. Other Services and Charges	<u>352,523</u>
TOTAL DECREASE	352,523

SECTION 5. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 591, 2004. Councillor Conley reported that the Public Works Committee heard Proposal No. 591, 2004 on October 14, 2004. The proposal, sponsored by Councillor Conley, approves transfers to pay increased overtime, the 27th pay period for bi-weekly employees, and trash collection contracts costs for the Department of Public Works (Operations Division) funded by a transfer between characters within the Solid Waste Collection Fund. By a 4-2 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Conley moved, seconded by Councillor Gibson, for adoption. Proposal No. 591, 2004 was adopted on the following roll call vote; viz:

*24 YEAS: Abdullah, Borst, Bowes, Boyd, Brown, Cockrum, Conley, Day, Franklin, Gibson, Gray, Keller, Langsford, Mahern, McWhirter, Moriarty Adams, Nytes, Oliver, Pfisterer, Plowman, Randolph, Salisbury, Sanders, Talley*  
*4 NAYS: Bradford, Cain, Schneider, Speedy*  
*1 ABSENT: Mansfield*

Proposal No. 591, 2004 was retitled SOLID WASTE COLLECTION SPECIAL SERVICE DISTRICT FISCAL ORDINANCE NO. 5, 2004, and reads as follows:

CITY-COUNTY SOLID WASTE COLLECTION SPECIAL SERVICE DISTRICT  
FISCAL ORDINANCE NO. 5, 2004

A FISCAL ORDINANCE amending the City-County Annual Budget for 2004 Solid Waste Collection Special Service District (Fiscal Ordinance No. 2, 2003) transferring and appropriating Three Hundred Thousand Dollars (\$300,000) to cover increased overtime, the 27<sup>th</sup> bi-weekly pay period, and trash collection contracts costs for the Department of Public Works (Operations Division).

BE IT ORDAINED BY THE SOLID WASTE COLLECTION SPECIAL SERVICE DISTRICT  
COUNCIL OF THE CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for reductions, the necessity for which has arisen since the adoption of the annual budget, Section 1 of the Solid Waste Collection Special Service District Annual Budget for 2004 be, and is hereby amended by transferring and appropriating Three Hundred Thousand Dollars (\$300,000) to cover increased overtime, the 27<sup>th</sup> bi-weekly pay period, and trash collection contracts costs for the Department of Public Works (Operations Division).

SECTION 2. The sum of Three Hundred Thousand (\$300,000) be, and the same is hereby, transferred for the purposes as shown in Section 3 by reducing the accounts as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

<u>DEPARTMENT OF PUBLIC WORKS</u>	
<u>OPERATIONS DIVISION</u>	<u>SOLID WASTE COLLECTION FUND</u>
1. Personal Services	100,000
3. Other Services and Charges	<u>200,000</u>
TOTAL INCREASE	300,000

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SECTION 4. The said additional appropriation is funded by the following reductions:

DEPARTMENT OF PUBLIC WORKS  
OPERATIONS DIVISION

SOLID WASTE COLLECTION FUND

4. Capital Outlay	<u>300,000</u>
TOTAL DECREASE	300,000

SECTION 5. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

The President reconvened the City-County Council.

**NEW BUSINESS**

Councillor Langsford reported that her husband's tour of duty has been extended another six months, and she will continue to serve in his Council seat until he returns.

Councillor Bowes encouraged all constituents to get out and vote on November 2<sup>nd</sup>.

**ANNOUNCEMENTS AND ADJOURNMENT**

The President said that the docketed agenda for this meeting of the Council having been completed, the Chair would entertain motions for adjournment.

Councillor Borst stated that he had been asked to offer the following motion for adjournment by:

- (1) Councillor Moriarty Adams in memory of Ethel Rose, Emmett Pierce, Betty Smith, and Gordon Wellington; and
- (2) Councillor Talley and Sanders in memory of Ernest Bartlett, Sr.; and
- (3) Councillor Cain in memory of Dr. H. Dean Evans.

Councillor Borst moved the adjournment of this meeting of the Indianapolis City-County Council in recognition of and respect for the life and contributions of Ethel Rose, Emmett Pierce, Betty Smith, Gordon Wellington, Ernest Bartlett, Sr., and Dr. H. Dean Evans. He respectfully asked the support of fellow Councillors. He further requested that the motion be made a part of the permanent records of this body and that a letter bearing the Council seal and the signature of the President be sent to the families advising of this action.

There being no further business, and upon motion duly made and seconded, the meeting adjourned at 11:16 p.m.

We hereby certify that the above and foregoing is a full, true and complete record of the proceedings of the regular concurrent meetings of the City-Council of Indianapolis-Marion County, Indiana, and Indianapolis Police, Fire and Solid Waste Collection Special Service District Councils on the 25th day of October, 2004.

In Witness Whereof, we have hereunto subscribed our signatures and caused the Seal of the City of Indianapolis to be affixed.

President

ATTEST:

Clerk of the Council

(SEAL)